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THE UNIVERSITY OF ALBERTA

PRE-TRIAL CONDITIONS OF SEXUALLY ABUSED CHILDREN: AN EXPERIENTIAL ANALYSIS

BY

© PAULA BRIDGET SCHAAP

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

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OF MASTER OF EDUCATION

IN

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(FALL) (1988)

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P. Schaap
(Student's signature)

12268 - 131st Street
(Student's permanent address)
Edmonton, Alberta

Date: 14th October, 1988

THE UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled Pre-trial conditions of sexually abused children: An experiential analysis submitted by Paula Bridget Schaap in partial fulfillment of the requirements for the degree of Master of Education in Counselling Psychology.

Supervisor

Nancy L. Hurlbut

Date: 19 September 1988

DEDICATION

To Mum,

whose love for people and vision of a better world

inspire me still.

ABSTRACT

The research presented herein explored the experience of awaiting trial from the perspectives of five adolescent victims of sexual abuse. A qualitative methodology, the semi-structured, focused in-depth interview, was utilized to examine the pre-trial conditions which existed for these children.

The information gathered through the interview process was examined from two levels of understanding. Firstly, the interviews were condensed into case descriptions which reflect the world-view and language of the participants as closely as possible. This procedure presents the interview data on a descriptive level. Following this, all five cases were collectively analyzed in a re-examination of questions which yielded information thought to be most central to the issue under study. This analysis looks at the interview information on an interpretive level of understanding.

The findings of the study supported the prediction that going to court would be experienced as a significant event in the lives of the children interviewed. The children were frightened by the prospect of having to go to court and didn't want to go, yet at the same time felt they had no option. They perceived that they were affected in a variety of ways as a result of their involvement in the legal system. Sources and types of support for these children were delineated, and it was discovered that the childrens' therapists were considered to be of most help to them. The implications of the results for the systems that intervene in cases of child sexual abuse were discussed.

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CHAPTER 1

INTRODUCTION

Context of the Problem

Sexual abuse is a fact of life for many children. Though no consensus has been reached on the extent of the problem, North American estimates indicate that child sexual abuse is pervasive in our society (Badgley, Allard, McCormick, Proudfoot, Fortin, Ogilvie, Rae-Grant, Gelinas, Pepin, & Sutherland, 1984; Finkelhor, 1986; Russell, 1983). The most recent and comprehensive Canadian study revealed that half of all females and one-third of all males are victims of sexual abuse at least once in their lifetimes. Eighty percent of the offences occur during childhood (Badgley et al., 1984).

While the sexual abuse of children is not a new problem (Henderson, 1972; Kempe & Kempe, 1984; Noble & Mason, 1978; Rush, 1980; Serrano & Gunzburger, 1983), the widespread attention it has garnered in recent years is unprecedented (Herman, 1981; Rush, 1980; Summit, 1983). As a secretive family affair, incest was not publicly recognized until the mid 1970s when the women's movement turned the spotlight on sexual assault and encouraged more open discussion of childhood sexual abuse. Once identified as a serious social problem, child sexual abuse attracted the interest of many. In the past decade a plethora of researchers have attempted to explain child sexual abuse, describe its participants, and determine optimal solutions to the problem.

A related area of concern which has only recently been addressed is that of the sexually abused child's involvement with the legal system. Although the numbers are still low (Gothard, 1987; Melton, 1984; Rogers, 1982), children are appearing as courtroom witnesses with increasing frequency (Terr, 1986). New legislative reforms to the Canada Criminal Code and the Canada Evidence Act regarding child sexual abuse (Bill C-15) have made it easier for children's testimony to be heard, making the future involvement of child victims in the criminal justice system more likely.

Many professionals support legal prosecution as an essential element in the battle against intrafamilial child sexual abuse and welcome a liberalization of existing legal practices and rules. Judicial intervention serves many important functions: it conveys a message to the offender that his abusive behavior is legally unacceptable and that he alone is responsible for his actions and must bear the consequences; it validates the child victim who can be relieved of the responsibility for the abuse by a judicial system which holds the offender fully accountable; it allows the system to retain some leverage over the offender through the imposition of court-mandated conditions which specify things such as treatment requirements and family access restrictions; and, it reinforces society's position that child sexual abuse will not be tolerated (Edmonton Inter-Agency Committee, 1987). These same professionals, however, have expressed concern that child victims may suffer additional trauma as a result of being exposed to a system that is not mindful of their special needs (Badgley et al., 1984; Bauer, 1983; Berliner & Stevens, 1980; Edmonton Region Alberta Social Services and Community Health, 1984; Giarretto, 1976; Libai, 1969; MacFarlane & Bulkley, 1982; Melton, 1984; Metropolitan Chairman's Special Committee on Child Abuse, 1983; Nurcombe, 1986; Rogers, 1982).

Melton (1984) has cautioned against making global assertions about system-induced trauma. He noted that there is a dearth of research in this area and that little about the child victim's reaction to the legal process has been validated. Melton (1984), like other researchers in the area, has suggested that a host of factors could account for any negative repercussions a child witness experiences (Finkelhor, 1979; Goodman, 1984b). This notion may be particularly pertinent to cases of child sexual abuse where trauma may result from factors in the general environment, such as family disruption or social and emotional isolation, from the sexual abuse itself, from the repercussions of disclosure, from the systemic response, or from any combination of these (Finkelhor, 1979). Melton hypothesized that each child's level of vulnerability may be dependent on the interaction between psychosocial variables and legal procedures. Further study is needed to determine which circumstances related to a child victim's involvement in the legal system lead to trauma and, conversely, which contribute to less negative experiences (Goodman, 1984b; Melton, 1984). The results of such research would provide the information on which to base recommendations for systemic improvements on both local and national levels.

Statement of the Problem

The need persists for fundamental knowledge regarding the child sexual abuse victim's involvement with the judicial system. The present study is essentially descriptive in nature. It was the intention of this researcher to examine the experience of awaiting trial from the sexually abused child's perspective. In so doing, three main goals were pursued: to contribute to the information base in this area, to delineate any weak spots in the local system's response to child victims involved in the court process so that recommendations for improved services can be made, and to suggest questions for further study.

Statement of Researcher's Position and Questions of Interest

Based on the existing literature and the researcher's previous interactions with other sexual abuse victims who had testified in court, it was predicted that involvement in the judicial process would be experienced as a significant event in the lives of the children interviewed. It is felt that going to court is best conceptualized as a process rather than a single event. This process begins at the time the child is first interviewed during the initial investigation and is not completed until legal resolution is brought to the case; it is not uncommon for this process to span months or even years of a child's life. It was also assumed that many different factors besides that of the system's response may influence the quality of the child's experience of being involved with the legal system.

The following questions were of particular interest to the researcher in conducting this research:

1) How much support do these children receive and from which sources does this support come?

2) How much preparation are they given prior to testifying in court and by whom?

3) How do these children feel about going to court?

4) What factors can be seen to influence the quality of these children's experience of going to court?

5) How has having to go to court affected the lives of these children? How prominent is this matter in their lives?

6) How well do the local systems of intervention meet the special needs of these children? What recommendations, if any, can be made for improved services to children in situations like this?

Significance of the Study

By examining, from their perspective, the pre-trial conditions which exist for sexually abused children, this study will be significant in several ways. It will add to the small body of knowledge we have on the child sexual abuse victim's involvement in the legal system. In particular it may shed some light on the issue of system-induced trauma, especially as it pertains to sexually abused children. It will provide some feedback as to the effectiveness of the current systemic response to sexually abused children, and suggest ways in which this response could be improved. It will provide psychologists and other professionals involved with child sexual abuse victims important insight into the many variables which must be taken into consideration in providing these children with the best possible care during their encounter with the court process. If the integrity of sexually abused children is to be preserved, it is vital that every effort be made to identify and satisfy their special needs.

Definition of Terms

For the purposes of this study the following definitions will be employed:

Child sexual abuse - is any actual or attempted exploitive involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend and to which they are unable to give informed consent (Schechter & Roberge, 1976). This definition takes into account any inappropriate sexual contact between a child and an adult when the child is being used for the sexual stimulation of the perpetrator or another person without regard for the effects on the child (Berliner & Stevens, 1982). Child sexual abuse includes a range of sexual acts which includes any sexual exploitation involving a child (e.g., pornography and voyeurism), genital exposure directed toward a child (exhibitionism), touching and fondling of the genitals, digital penetration, oral-genital contact, and vaginal and anal penetration. This general term includes both intrafamilial and extra-familial child sexual abuse (Edmonton Region Alberta Social Services & Community Health, 1984). Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim (five years seniority) or when the perpetrator is in a position of power or control over another child (James & Nasjleti, 1983).

Incest - is defined as child sexual abuse by anyone who stands in a kin or kin-like relationship to the victim (MacLeod & Wachtel, 1984). This term is interchangeable with intrafamilial child sexual abuse.

Child - is defined as anyone 18 years of age and under. This age limit was chosen to accommodate children and adolescents of varying developmental levels, and it conforms with the age set down in the Child Welfare Act of

Alberta (1985).

Stance of the Researcher

In this study the role of the researcher was one of participant-observer. The researcher's stance involved an interplay between that of the committed insider and that of the critical questioner.

Assumption

It is assumed that the responses given by the child sexual abuse victims who were interviewed were representative of their feelings.

Organization of the Thesis

In Chapter I the nature of the problem has been described and the purposes of the present study have been outlined. A review of the literature which is pertinent to this research is presented in Chapter II. In Chapter III the methodology employed in this study, the instruments which were utilized and the children who participated in the research are described. In Chapter IV the children's stories of their involvement with the legal system from the time of disclosure until their day in court are presented. These are followed by a comparative analysis of the children's experiences with respect to several research questions thought to be reflective of the issues of interest to this study. The findings of this study and its limitations are examined in Chapter V. In Chapter VI conclusions are drawn, implications of the study's findings are offered, and directions for future research are explored.

CHAPTER II

A REVIEW OF RELATED LITERATURE

Sexual Abuse of Children: Then and Now

The sexual abuse and misuse of children, though only widely acknowledged in recent times, is not a new phenomenon. As laws have been established and subsequently changed throughout history, the sexual abuse of women and children has been variously considered either an expected and acceptable practice or an illegal, yet commonplace, activity carried on secretly behind closed doors. Autobiographical accounts of it date back as far as 900 A. D. (Rush, 1980), and it is documented in the mythologies and histories of most civilizations (Henderson, 1972; Kempe & Kempe, 1984; Noble & Mason, 1978; Rush, 1980; Serrano & Gunzburger, 1983).

In tracing the history of childhood sexual abuse, Rush (1980) demonstrated that it is a pervasive pattern with antecedents of social acceptance that reach far back into early times. Rush posited that the underlying attitude which permits men to abuse finds its earliest written expression in the Bible and the Talmud. She wrote:

> The Talmud held that a female child of "three years and one day" could be betrothed by sexual intercourse with her father's permission. Intercourse with one younger was not a crime but invalid. If a prospective groom would penetrate the child just once more after her third birthday, he could legitimately claim his promised bride. (Rush, 1980, p. 17)

This principle of invalid sex below a certain age also applied to the male child. While homosexuality between adult males was considered a crime, punishable by death or exile, a homosexual relationship with a male child under nine went unpunished. Since the male under nine, just as the female under three, was not considered a sexual person, sex with a boy of nine or younger was considered invalid.

Though rules prohibit sexual interaction between certain close relatives in every known society, the nature and rigidity of these rules have varied both within and between cultures throughout history (Berliner & Barbieri, 1984; Kardiner, 1939; Noble & Mason, 1978; Rush, 1980; Schultz, 1982; Serrano & Gunzburger, 1983). Maisch (1972) traced the discontinuous, though progressive, movement away from the acceptance of incestuous relationships over the course of history. He noted that while the laws pertaining to incest varied dramatically over time, incest continued to be fairly widespread, even during periods in which strong regulations and stiff penalities applied. To illustrate this point, Maisch offered the following example. During the middle ages and the progressive Christianization of Europe, the civil law on marriage became increasingly a matter of religious concern. Sexuality was regarded as sinful, promiscuous, and abhorrent, and the incest laws were broadened to prohibit marriage between blood relations of the seventh degree of kinship. Despite these strict reforms, however, incest remained a common practice, even amongst the clergy. Pope Balthasa Cossa, for example, confessed before a church council to adultery and incest in 1414.

Rush (1980) suggested that child sexual abuse flourished in spite of the laws which were formulated to prevent it because the laws were full of so many exceptions as to render them virtually meaningless. The law passed in 1576 in England to protect girls under 10 years of age from forcible rape exemplifies this notion (Radzinowicz, 1948). As a result of this ruling, carnal knowledge of a "woman-child" below ten, the legal age at which a female child could consent to sex, was cited as a felony, while carnal knowledge of one between the ages of ten and twelve, the legal age at which she could consent to marriage, was a misdemeanor. The loophole in this system of justice, however, was that unless proof was available which firmly established the child's age at the time of the crime - a difficult piece of evidence to come by during a time when birth records were poorly kept - the charge of felonious rape could not hold (Rush,1980). It seems that then, as now, child welfare was often sacrificed in the name of legal technicality.

The nineteenth century was an era marked by unprecedented industrial growth and scientific advancement. And with these advances came new ways to sexually misuse children: now, in addition to prostitution, molestation and rape, it also became popular to use children for purposes of pornography.

> The Victorian male's interest in female children, combined with the technological inventiveness of the nineteenth century, helped spur the wide production and distribution of child pornography. As soon as the camera was invented, Hollywell Street, London's pornographic center, was flooded with pictures of female children, naked and seminaked, posed in explicitly lewd positions. (Rush, 1980, p. 60)

It was also during this era that the problem of child sexual abuse began to receive some small public recognition. In 1888, Krafft-Ebing, physician and sexologist, stated, "Criminal statistics prove the sad fact that sexual crimes are progressively increasing in our modern civilization. This is particularly the case with immoral acts with children under fourteen" (Krafft-Ebing, 1965, p. 518). In the year 1896 Sigmund Freud presented a paper entitled "The Aetiology of Hysteria" to his colleagues. The paper outlined Freud's seduction theory, a theory which he had developed to explain the connection he believed to exist between hysteria and childhood sexual assault. This theory was born of Freud's observations that many of his middle-class female patients who experienced the symptoms of hysteria claimed to have been sexually abused in childhood, most of them incriminating their fathers. Sadly, within a year Freud had changed his mind, and had replaced the seduction theory with the well-known Oedipus complex, a theory which rejects the female reality of sexual abuse and reassigns the experience to female fantasy. Speculation abounds as to what caused Freud to alter his position so dramatically (Masson, 1984; Rush, 1980). What is clear, however, is that his abandonment of the seduction theory served to suppress the truth about a serious and devastating social problem, and it introduced the prejudice, still shared by professionals and laymen alike, that children lie about sexual abuse.

Herman (1981b) suggested that the incest secret has been "simply too threatening to be maintained in public consciousness" and so has been repeatedly unearthed in the past hundred years, and just as repeatedly buried. Freud is usually given credit for being the first to make the discovery. The incest secret was uncovered again a half-century later by social scientists who, utilizing the new methods of surveys and questionnaires, studied the sexual lives of women. The largest of these studies was undertaken by Alfred Kinsey and his associates. Their interviews with more than 4000 women revealed that 24% of their subjects reported having had some sort of childhood sexual encounter with an adult male (Gagnon, 1965; Herman, 1981b). Yet, despite this kind of evidence, Kinsey, like Freud, continued to lay the blame for incestuous abuse on children, not adults (Herman, 1981b). It was the mid-1970s before the secret was revealed again. This time, however, it was spoken by those who knew it best -- past victims. This time the secret was not to be as quickly and quietly forgotten.

The Incest Taboo

Henderson (1972) described the incest taboo as "perhaps the most binding moral constraint known to man." However, in the face of the near epidemic proportions of the child sexual abuse problem, it now appears that if such a taboo exists, it functions not to prevent incest, but to prevent the disclosure of incest when it does occur (Armstrong, 1985).

Several theoretical perspectives have posited possible explanations for the origin of this taboo. Freud (1953) offered a psychological basis for incest prohibitions. Drawing from Charles Darwin's theory of the primal horde, Freud proposed that in early civilizations people lived in hordes which were headed by tyrannical fathers who kept the women of the tribe to themselves.

The younger men in the horde eventually banded together and murdered the paternal tyrant in order to gain sexual access to his women. Having done so, however, quarrelling and savage competition between the surviving males ensued, posing a threat to the social organization of the group. Recognizing this threat of ruinous disruption, the young men joined together again to create the incest taboo and to institute exogamy, the taboo of marriage to certain kin.

The anthropologist, Malinowsky (1927), suggested that the mixing of generations, the upsetting of age distinctions, the disorganization of sentiment, and the exchange of roles which occurs with incest interferes with the family's vital function as educational medium. He believed that the incest taboo was developed in order to preserve society by protecting family relationships from disruption and ensuring adequate development of the young.

Talcott-Parsons (1954), a sociologist, proposed that the incest taboo was created in order to facilitate role learning and socialization by forcing members of the nuclear family to choose love objects outside of their group. Another sociologist, Levi-Strauss (1969), accounted for the incest taboo in a very different way. He has hypothesized that the incest taboo is a primary structure phenomenon common to all societies. He contends that every society's most pressing issue is the exchange of goods, and that the most important and basic exchange of all is the exchange of women in marriage. The taboo guarantees the exchange of women and from this basic exchange come all other exchanges. The incest prohibition also facilitated the development of society in another way. As a consequence of the proscription of intrafamilial unions, family members had to look outside the nuclear family for partners. This led to an enlarging of the social group and forced a shift from familial to community dependence.

Lindzey (1967) offered a biological explanation for the incest taboo. He argued that the biological consequence of incest is a decrease in fitness, and that human groups which practiced incest would be selectively disadvantaged and less likely to survive. Lindzey further hypothesized that early man possessed an unconscious understanding that inbreeding would produce defective offspring, and may even have made a conscious connection between incest and physical abnormalities such as albinism and dwarfism. This biologic knowledge led to the development of the incest taboo.

Some researchers have argued that the incest taboo is multi-determined by a variety of instigating and sustaining factors, and that no single theoretical perspective fully explains it (Henderson, 1972; Murdock, 1969). Murdock (1969) proposed that an adequate explanation for the incest taboo requires a multidisciplinary approach which incorporates ideas drawn from sociology, behavioristic psychology, psychoanalysis, and cultural anthropology.

The Etiology of Incest

Three theoretical perspectives have primarily been used to explain the etiology of incest. These are: 1) the sociological viewpoint; 2) the role of organic factors, such as alcoholism and mental subnormality; and 3) the psychodynamic perspective (Mrazek, 1981). Sociological explanations can be divided into three subcategories: theories which link incest to various social factors, feminist-oriented theories and family systems theories. The first of these explanations associates low socio-economic class, poverty, social isolation, overcrowding, external stress and subcultural values with incest. The findings of research endeavors in this area have been equivocal as a result of methodological problems, and in recent years this viewpoint has been thought to be relatively unimportant in comparison with others (Mrazek, 1981). Feminist theorists conceptualize child sexual abuse as an abuse of power (Armstrong, 1978; Herman, 1981b; Sgroi, 1982; Ward, 1984). They believe that those who sexually abuse children do so "in the service of nonsexual needs, especially the need to feel powerful and in control" (Sgroi, 1982, pp. 1-2). Family systems theorists regard incest as being symptomatic of a dysfunctional family system. From this aspect, incest is seen as the result of a breakdown in communication between family members.

A second perspective stresses organic psychopathology of the offender and/or the victim. The organicity can be due to alcoholism, drug induced psychosis, or mental subnormality. Mrazek (1981) acknowledged the many investigators who have noted a connection between alcohol and incest (Browning & Boatman, 1977; Finkelhor, 1979; Gebhard, Gagnon, Pomeroy &

Christenson, 1965; Virkkunen, 1974), but she concluded that:

> The implication of all these findings is that alcohol may act as an inhibition-removing and triggering influence. The organicity associated with drug induced psychosis and other forms of toxicity may also act as a trigger for incestuous relationships. Although alcohol or drugs may contribute to the onset and perhaps to the continuation of incest, they are not sufficient explanation; there must be other factors present as well. (Mrazek, 1981, p.99)

Other authors have similarly concluded that drinking may be more of a way in which the incestuous activity is excused or rationalized by the offender than a causative factor (Gebhard et al., 1965; Groth, 1979; Herman, 1981b).

Similarly, it has been suggested that mental subnormality is a primary factor in the etiology of incest (Gebhard et al., 1965; Virkkunen, 1974). It has been documented that handicapped (both mentally and physically) children are at substantially greater risk for sexual victimization than normal children (Morgan,1985). However, the finding that a high percentage of the incest offenders studied are also of limited intelligence is thought to more accurately reflect a detection bias than the characteristics of the incest offender population in general; mentally handicapped individuals may be less careful in keeping the incest a secret (Kempe & Kempe, 1984; Mrazek, 1981).

The psychodynamic perspective has focussed on the pathological characteristics of the offender, the victim, and other family members, such as the wife. This view has stressed the interplay of many factors which may contribute to incest such as personality disorder of the individual, loss of an important relationship or fear of family disintegration, marital discord with sexual estrangement, and emotional deprivation leading to a search for nurturance through sexuality by the offender and/or the child (Mrazek, 1981). Unfortunately, as many of these notions are built on the bedrock of Freud's theories, they perpetuate the bias against women and children which he introduced. Consequently, many psychodynamic explanations often find the victim or the non-offending parent responsible for instigating and sustaining the incestuous relationship.

The Sexual Abuse of Children: A Review

A good general understanding of the many facets of child sexual abuse is vital to a clear conceptualization of the pre-trial conditions which exist for sexually abused children. Following is a brief examination of some of the elements of the problem of child sexual abuse: extent of the problem, laws pertaining to child sexual abuse, general findings, the participants, the family dynamics, consequences of sexual abuse for the victim, disclosure of the incest secret, and the system's response to the disclosure.

Extent of the Problem - To restate, child sexual abuse has only come to be identified as a major social problem in the past few years. While obstacles such as a lack of a generally accepted definition of child sexual abuse, sampling problems, and underreporting have made it difficult to accurately determine the extent of the problem (Finkelhor, 1986; Kempe & Kempe, 1984; Walters, 1975), current research efforts have consistently revealed that children, both male and female, are at considerable risk for sexual victimization (Badgley et al., 1984; Finkelhor, 1986; Russell, 1983). The Children's Justice Foundation recently estimated that one child is sexually abused every two minutes in the United States (People, March 2, 1987, p. 18). In the most comprehensive Canadian study to date, Badgley et al. (1984) determined that half of all females and one-third of all males are victims of sexual abuse at least once in their lifetimes, and that eighty percent of these offences occur during childhood. In Alberta there were 175 reports of child sexual abuse made to the Child Protection Registry in 1979. The most recent statistics available from this source indicate that the number of reports rose to 964 in the period from April 1, 1983 to March 31, 1984.

It is pertinent to note in this context that professional opinion has recently been advanced which attempts to refute the claims that sexual abuse is a widespread and frequently occurring problem. Green (1986), for example, concluded that false allegations of child sexual abuse are commonplace, particularly in the context of child custody and visitation disputes. Drawing from his own experience and from the literature, Green cites incidence rates of false allegations ranging from 6% to 55%. These figures are not compatible with the statistics kept by the treatment agency at which this author is employed: out of the 600 cases which have been referred to Group 5 Youth Counselling Centre during its seven years of operation, less than 2% of them involved false allegations.

Laws Pertaining to Child Sexual Abuse - The process of formally making incestuous behavior criminal has been a long and gradual one.

While rape laws were integrated into English common law relatively early (1208), incest, although not sanctioned and considered a taboo, was not defined as a crime in England until 1908 (Rush, 1980). This time lag reflected a reluctance of the courts to interfere with what were seen as family matters (Williams,1955).

Incest is now a criminal offence in most parts of the world (Kempe & Kempe, 1984). In Canada, child sexual abuse is a violation of the Criminal Code of Canada and of provincial Child Welfare statutes (Alberta Child Welfare Act, 1985 - Section 95). Currently, there are at least thirteen sections of the Criminal Code that could be applied in cases of intrafamilial child sexual abuse in addition to Section 150 (incest). Each of these charges carries a different sentence, and is used where the narrowness of Section 150 becomes exclusionary. Those cases of child sexual abuse which are prosecuted are heard and dispensed with in both Family and Criminal courts.

Child Sexual Abuse: General Findings - The sexual abuse of children cuts across all cultural and socioeconomic boundaries (Bach & Anderson, 1980; Badgley et al., 1984; Finkelhor, 1984; Goldsberry, 1979; Herman, 1981a; Rush, 1980). Contrary to popular belief, at least 80% of child sexual abuse is perpetrated by family members or acquaintances, those who have easy access to the child (Badgley et al., 1984; Painter, 1984; Rush, 1980; Walters, 1975). Child sexual abuse has been referred to as a problem of male socialization because, in confirmed reports, 97% of the perpetrators have been male (Bach

& Anderson, 1980; Herman & Hirschman, 1977; Herman, 1981b; Rogers, 1982; Russell & Finkelhor, 1984).

While girls are still regarded as most vulnerable to victimization, it is becoming increasingly apparent that boys are also at great risk for sexual abuse (Badgley et al., 1984; Finkelhor, 1979; Porter, 1986; Rogers & Terry, 1984; Showers, Farber, Joseph, Oshins & Johnson, 1983). As with girls, boys are most commonly abused by older males (Dixon, Arnold & Calestro, 1978; Finkelhor, 1984; Walters, 1975). It is felt that male victims have an even more difficult time of disclosing the sexual abuse because they are doubly stigmatized by their experiences (Porter, 1986). Not only must they face the reality that they have been victimized, they must also contend with the many repercussions of having been sexually violated by a member (or members) of their own sex.

Research evidence has shown that the sexual abuse of a child by a family member generally begins when the child is between six and ten years of age (Finkelhor, 1979; Herman, 1981a; Kempe & Kempe, 1984). While this is the average age of onset, the age range includes children as young as only a few months old up to those in their late teens. Sexual abuse often involves the oldest daughter in the family, but in 40% of the cases where there are younger children, subsequent daughters are also abused (Molnar & Cameron, 1975; Walters, 1975).

The duration of the sexual abuse is known to vary from a single encounter to an experience spanning many years. It has been determined that the sexual victimization of children is progressive. In cases where the abuse is not restricted to a single incident, there is usually a progression from less intimate types of sexual activity to actual body contact and then to some form of penetration (Sgroi, 1982). Children often endure the abuse because of bribes, parental psychological authority, misrepresentation of morality, threats, affection, fear of splitting up the family, losing affection, hurting their mother or being blamed.

Child sexual abuse is conceptualized as an activity imposed on a child who lacks the emotional, cognitive or maturational development necessary to be able to give informed consent (Abel, Becker, & Cunningham-Rathner, 1984; Finkelhor, 1979; Mitchell, 1985; Sgroi, 1982). The abuser's dominant and powerful position relative to that of the child makes the child an easy target. Child victims are often deceived into believing that what is being asked of them is perfectly normal. Threats are also commonly employed as a means of forcing the child into submission. Threats serve the dual purposes of ensuring the child's secrecy and further securing the perpetrator's power base. Taken together, children's lack of knowledge and/or power render them compliant victims. As such, physical force is often not necessary to accomplish the abusive act. Physical injury, however, is not uncommon. From 20% to 40% of sexually abused children have physical findings (Herbert, 1985). Kempe & Kempe (1984) reported that in New York city the chief cause of death each year of sexually abused infants and children is rectal hemorrhage.

The Participants - The incest scenario most commonly described in the literature includes the offender, the non-offending parent (usually the mother) and the victim. While it is not within the scope of this paper to provide a detailed examination, a brief sketch of each participant follows.

The Offender. Freund, Heasman, & Roper (1982) noted that "there has been a continual search for personality traits or childhood experiences typical of incest offenders" (p. 393). What has emerged from these efforts, however, is the fact that no single profile adequately describes all incest offenders. Several typologies have been offered in an attempt to organize the characteristics found to be common to some known perpetrators (e.g., Bagley, 1969; Groth, 1982; Summit & Kryso, 1978; Weinberg, 1955; and Weiner, 1964), but a definitive picture of the classical incest offender has yet to be determined.

The list of descriptors which have been used in the literature to characterize incest offenders is so comprehensive that it does little to distinguish this group from the population in general. Some authors, particularly those of a feminist orientation, are not surprised by the fact that specific identifying marks have not been determined. As Sanford (1980) observed: "The offender is not out of the ordinary. He did not land from an alien planet. He came from amongst us...and is a mirror of our culture" (p. 284). Other researchers have endeavored to synthesize the various descriptors which have been applied to incest offenders. Schechter & Roberge (1976), for example, concluded their review of the literature on incest offenders by saying, "In summary, these incestuous fathers do not exhibit severe psychopathology or marked cognitive deficits but rather have a poorly integrated social perception that can affect many other areas of their lives in addition to their inappropriate sexual incursions" (pp. 132-133).

While an essential description of the typical incest offender is still lacking, two pertinent features of this group of individuals have been well-established. The first is the finding that many sex offenders have histories of having been sexually victimized themselves as children. In 1982, Groth estimated that at least one out of three sex offenders are untreated past victims of sexual abuse. In a later study of sex offenders, conducted among prisoners and mental-health patients, Groth found that 81% had been exposed to some kind of sexual victimization in childhood (Stark, 1984). This finding is of particular import in view of the intergenerational nature of sexual abuse. Groth (1982) has suggested that one way in which male victims deal with their experience of being a helpless victim is by identifying with their aggressor to become the powerful victimizer, thereby perpetuating the cycle of abuse. Many offenders, therefore, require therapeutic intervention both to work through their own victimization as well as to help them understand and control their abusive behaviors.

The second factor which has bearing on this study pertains to the risk for reoffence which incest offenders present. In 1985, Abel, Mittelman and Becker conducted a study on 411 sex offenders (including incest offenders) and made this shocking discovery: as a group the offenders had completed

218,900 sexual crimes on 138,137 victims. The mean number of offences per offender was 533 with 366 victims. This finding is consistent with research on adolescent sex offenders which revealed that over half give evidence of having committed prior offences (Groth, 1977).

These results, which aptly demonstrate that the risk for reoffence is extremely high, underscore the need for swift and appropriate intervention once a sex offender has been identified. At present, the only intervention alternatives available are treatment, incarceration, or some combination of both of these. Incarceration obviously requires the involvement of the judicial system, and over the past few years it has become apparent to experienced offender treatment personnel that, in the majority of cases, judicial intervention is also a necessary prerequisite for treatment. The problem is that many child molesters are reluctant to become actively involved in treatment. They rarely seek out mental health services voluntarily (Berliner & Barbieri, 1984), and external pressures must usually be applied to make them enter and complete treatment programs (MacFarlane & Bulkley, 1982). Forseth and Brown (1981) found that 79% of the treatment programs they surveyed relied on the authority of the court to mandate perpetrator participation where noncompliance exists. One of the most successful treatment programs, the Child Sexual Abuse Treatment Program developed by Giarretto (1976), operates in conjunction with the courts, only offering treatment to offenders who have been charged, found guilty, and given a deferred sentence with conditions specifying successful completion of an offenders' treatment program. A system such as Giarretto's is intended to help motivate the offender to take responsibility for his abusive and illegal behavior and to seriously engage in therapy. The threat of time in prison, with all its attendant problems, often provides an incentive for offenders to consider treatment as an attractive alternative.

The preceding factors are relevant to the present study because they highlight the potential for child victims to become increasingly involved in the legal resolution of child sexual abuse cases. Failing an admission of guilt by an offender, it may be necessary to rely on the testimony of a child victim to win the case so that legal restrictions can then be imposed on the offender's behavior.

The Non-Offending Parent. There has been considerable debate as to the extent of the non-offending parent's (usually the mother) participation in the sexual abuse. While active involvement is uncommon, many authors have posited that mothers of incest victims encourage the abusive relationship because it serves to satisfy some of their own unmet needs (Kempe, 1980; Paulson, Strouse, & Chaleff, 1982; Schechter & Roberge, 1976; Spencer, 1978). One example, offered by Paulson et al. (1982) claims that "mothers faced with their own sexual inadequacies can become colluding partners, accepting or welcoming sexual overtures between husband and child as a means of avoiding intimacy in the husband-wife relationship" (p. 44).

Most of the writing found in the traditional psychiatric literature is in a similar vein. Either implicitly or explicitly, the mother is held accountable for the offender's behavior (Dietz & Craft, 1980; Herman, 1981b). Sexual estrangement of the marital couple is frequently cited as a factor in the genesis of incest, and the mother is often held responsible for this estrangement. She has been variously described as cold, frigid, hostile, unloving, very unattractive, rejecting, and as "giving reason to the husband to look elsewhere for sex [by] bowing out of her role as a wife" (Justice & Justice, 1979, pp. 97-98). Such a reassignment of blame seems unreasonable, at best, and other researchers have pointed out that this perspective is not well-founded. For example, through careful interviewing of offenders and their wives, Groth (1979) discovered that most incestuous fathers continue to have sex on demand with their wives as well as their daughters and/or sons. Those fathers who confine their sexual activities to their children do so by choice.

A less harsh, but equally unpalatable view holds that "mothers can perhaps be most generally described as failing to protect the child victim" (Sgroi, Blick, & Porter, 1982, p. 28). Though no longer held responsible for instigating the incest, mothers are still seen as culpable because they do not anticipate the sexual abuse and institute the necessary protective measures. This perspective exemplifies what Louise Armstrong (1985) referred to as:

> ...an unfortunate ... assumption about family life that mom's main job [is] to control pop's behavior. It suggest[s] the need for a beady eye constantly trained on the nursery door. It suggest[s] that health [is] a lack of trust in the person you married. (p. 15)

Sgroi et al. (1982) suggested that mothers of incest victims fail to protect on several levels.

> Sometimes the mother is physically absent on a regular and predictable basis, thereby affording the opportunity for incest to occur. The classic example of this situation involves a mother who works a night or evening shift. Sometimes mother is psychologically absent, often ignoring overt seductive behavior between the incest participants that she should be curbing and redirecting and setting limits on at a very early stage. Some mothers fail to protect in a very direct fashion by deliberately setting up situations in which the incest participants are encouraged to engage in sexual behavior. (p. 28)

In defence of mothers of incest victims, Herman (1981b) noted that "in the clinical literature ... the theme of maternal absence is emphasized almost to the exclusion of anything else" (p. 45). It has often been observed that the mother in incestuous families is depressed, ill, indifferent, incapacitated, weak, or otherwise emotionally unavailable to her husband and children. And while it has been demonstrated that girls are at much greater risk for sexual victimization within the home if their mothers are ill or regularly absent from the home due to outside obligations (Finkelhor, 1979), this finding should not be considered in assessing responsibility for the sexual abuse.

An alternate perspective, which acknowledges that some mothers do play an active role in the incest, posits that most mothers are not consciously aware of the abuse until the time of the disclosure (Herbert, 1985; Ward, 1984). Mothers, most of whom are not conceptually prepared to suspect their partners of molesting their children, may unconsciously deny the signs while the abuse is occurring; only in retrospect can they put them all together to make a sensible and indisputable picture of reality. As Ward (1984) observed:

> The Mothers have many reasons for not being able to 'see' or 'hear' (and thereby being charged with 'collusion'). No woman, except one who was a girl-child rape victim herself, has any information on which to base belief in such an event. All the cultural baggage about marriage, motherhood and Happy Families contains absolutely no information about the possible need to protect our daughters from men within the family. (pp. 164-165)

Aside from the question of blame, several features common to many mothers of incest victims have been delineated. The incest victim's mother, like the victim herself, is usually in a subordinate position to the offender. She is economically and emotionally dependent on the offender, and is unable to assert herself to him for fear of reprisals. It is not uncommon for such mothers to be victims of battering in their marital relationships (Browning & Boatman, 1977; Maisch, 1972; Meiselman, 1978). Many mothers were themselves sexually victimized as children, and, if untreated, these early experiences are thought to increase the likelihood that they will pair with an abusive male, and reduce their capacity for protecting their own children from similar abuse (Herbert, 1985; Herman, 1981b; James & Nasjleti, 1983; Mitchell, 1985; Spencer, 1978).

The Victim. While mother-blaming is difficult enough to accept, this notion pales in relation to one which shifts the responsibility for the abuse to the victim. Sadly, a victim-blaming view is also well represented in the traditional psychiatric literature. The following example, supplied by Justice & Justice (1979), illustrates this position. While acknowledging that a small percentage of victims are forced into sex by their abuser and never submit even passively, of the majority (approximately 90%) they wrote: "Many passively accept it; others see that they can get something out of it and offer no resistance; some quietly encourage it" (p.94).

Paulson et al. (1982) offered a much more forthright (and common) pronouncement: "The angry, sexually precocious girl at times consciously seeks out a sexual encounter with the father or stepfather as the ultimate revenge against the affection-depriving mother" (p. 45). The picture which statements such as this evoke is that of a vengeful and sexually aggressive child who is spurred into action by a cold, unloving mother. Here again the offender is kindly spared any responsibility for his unacceptable behavior; instead, culpability for the abuse is assigned to the victim and/or the victim's mother.

Several arguments can be raised to discount a victim-blaming perspective. The most obvious of these is the fact that children are rarely, if ever, in a position of being able to force an adult into sexual activities. Offenders often defend themselves by claiming that their victim initiated the sexual interaction. This type of explanantion serves only to demonstrate the moral shallowness of the individual who offers it, as a truly caring and responsible adult would not take advantage of a child's unwitting and misguided advances. In the majority of cases where this line of defense is offered, the offender has projected his own desires onto the child and interprets innocent behavior (e.g., wearing baby doll pyjamas) as seductiveness.

A second argument, suggested and supported by the many studies which describe emotional problems and acting-out on the part of victims, calls into question the extent of the victim's passive acceptance of the incestuous relationship (Briere, 1984). Whether or not there is overt resistance, the resulting emotional and behavior problems demonstrate the victim's emotional resistance to involvement in this kind of relationship. The subtle pressures of "affectionate" offenders or the potential for physical abuse by violent offenders often leave victims with no effective means of resistance (Tormes, 1972).

Few characteristics have been identified which distinguish incest victims from other children. However, it is known that in families where only one child is abused, that child is likely to be the oldest of the children in the family. As noted earlier, a child who is handicapped (Morgan, 1985) or who is from a home where the mother is often absent or ill (Finkelhor, 1979) is at greater risk for sexual victimization. And Russell's (1983) research revealed that girls are especially vulnerable to abuse at the hands of their step-fathers.

Incest victims have been variously depicted in the literature as having low self-esteem, as having poor relationships with their mothers, as being extremely sensitive to the emotional climate within their home, as being very responsible, as seeking attention and affection, as being seductive, and as having deep fears of desertion and abandonment. They have also been described as "rescuers"; rescuers of younger siblings who stand to suffer the same fate as theirs if the offender is not kept satisfied, rescuers of non-offending parents (and often siblings, too) who are physically abused if the offender is not kept pacified, and rescuers of the entire family, where the child perceives the threat of desertion and abandonment by the offender (Geiser, 1979; Spencer, 1978).

Family Dynamics - Unsuccessful attempts to develop a profile for the "typical" offender, combined with the frustration of efforts to account for their behavior psychologically, led to a refocusing of research efforts in the area of child sexual abuse (Finkelhor, 1979). In the late 1970s the family situation, the context in which sexual abuse arises, came under closer examination.

Many investigators have emphasized that intrafamilial sexual abuse is a symptom of a disorganized and nonfunctioning family (Giarretto, 1976; Mrazek & Bentovim, 1981). This observation is based on studies of incestuous families which have revealed a high incidence of marital discord and sexual estrangement between the parents. Herbert Maisch (1972), for example, reported that 88% of the 72 couples he studied had a "disturbed or disorganized marriage" prior to the onset of the incest and that 41% had a disturbed sexual relationship.

Groth (1982) has concluded that while no two cases of incest are exactly alike, two patterns have emerged with respect to the role relationship between husband and wife. The first he has termed the passive-dependent type.

> In [this] pattern the husband relates to his wife psychologically more as dependent child than as a competent partner and looks to her to fulfill his emotional needs. Over time she comes to feel emotionally unsupported, neglected, or even deserted by her husband and may turn elsewhere for emotional support and fulfillment. As she becomes increasingly self-sufficient and no longer is constantly attentive to his needs he turns to his daughter as a substitute or surrogate companion-wife-mother, who is then expected to take care of him...Eventually his emotional dependency and intimacy with her evolves into a sexual relationship which may progress and continue until the daughter reaches adolescence, becomes interested in peer relationships and starts dating - all of which becomes anxiety-producing to the offender since it again raises the threat of being abandoned by his caretaker, unless there is another child to replace this one. (pp. 218-219)

In the other pattern it is the wife who is seen as insecure and dependent.

> In [this] pattern the husband occupies the dominant role in the family and maintains a position of power by keeping his wife and children financially dependent on him and socially isolated from extrafamily relationships. In selecting a spouse who is very insecure or immature, he achieves a feeling of strength, power, and control in the relationship. To this end he reinforces her helplessness and dependency on him. However, at the same time such a wife does not provide him with much emotional support and he turns to his daughter to fulfill his emotional needs and sexual demands. Sexual access to his daughter is experienced as part of his narcissistic entitlement as the head of the family. (p. 222)

Finkelhor (1979) has identified six theories from the literature which have been used to explain family dynamics in the case of incest.

1) Social Isolation. Incest occurs in families characterized by a high degree of social isolation (Bagley, 1969). Social isolation is thought to create a climate in which deviance is more likely to emerge because families have

less opportunity to compare themselves to appropriate models and, at the same time, are insulated from the scrutiny of public view. In circumstances such as these, incestuous behavior may come to be accepted as normal.

2) Role Confusion. Incest and other kinds of adult-child sex are forms of role confusion whereby offending adults inappropriately respond to children as adults (Summit & Kryso, 1978). From this perspective, father-daughter incest is seen as a kind of functional adaptation to mother-daughter role reversal brought about by a strain and breakdown of normal family relationships.

3) The Milieu of Abandonment. Incest may be seen as a reaction to an emotional climate dominated by the fear of abandonment. In families where each member fears he or she may be abandoned by the others, intrafamilial sexual interaction may represent a desperate effort to stave off this trauma (Henderson, 1972). Two themes are common to families in which this kind of crisis leads to incest: a) the cast of family characters changes often, resulting in weakened and diffuse family boundaries, and b) the family history is marked by a record of abandonment. In this context, incestuous activites are thought to provide the abused child(ren) with some attention and affection and to give some stability to the family system.

4) Marital Conflict. Finkelhor (1979) offered two ways in which marital conflict can make children vulnerable to sexual victimization (not specifically incest): a) it leaves them insecure about where to turn for protection. This insecurity leads to feelings of helplessness which, in turn, increases their vulnerability to those in positions of power (i.e., abusive adults); and b) it often exposes them to contradictory messages about sex, and the ensuing sexual

confusion hinders their ability to deal effectively with potentially abusive situations.

5) Oversexualization. It has been suggested that some families are oversexualized. Children in such families have inappropriate sexual models and are exposed to an unusual kind of sexual socialization (i.e., they are sexually stimulated by their parents). In combination, these factors are thought to increase the vulnerability of such children to sexual abuse.

6) Poor Supervision. Finkelhor (1979) concluded his list of theoretical alternatives by noting that any situation resulting in the neglect of a child (i.e., poor supervision) can lead to greater vulnerability to sexual abuse. Interestingly, as incestuous families have more children than the prevailing norms (Herman, 1981b; Maisch, 1972; Tormes, 1968), adequate supervision may be more difficult to provide.

Dietz & Craft (1980) emphasized that incest is commonly part of a pattern of family violence and conflict. They cited several studies which support their position. Tormes (1972), found that 13 of the 20 fathers she studied were physically violent to their wives and other family members as well as sexually abusive to their daughters. The findings of Browning & Boatman (1977) and Herman (1981b) are consistent with those of Tormes. Physical violence on the part of the offender, whether explicit or simply implied, serves to hone the psychological edge he has established within the home. Within the extremely patriarchal system common to incestuous families, the violent offender is able to control his family both economically and through fear of physical repercussions.

Consequences of Sexual Abuse for the Victim - As is the case with most of the other factors related to the problem of intrafamilial sexual abuse, professional opinion varies widely on the question of harm for the incest victim. The literature is divided between those who conclude that there are few lasting effects of childhood sexual victimization (Bender & Blau, 1937) and those who believe that sexual assault often results in permanent psychological damage (Bach & Anderson, 1980; Briere, 1984; Courtois, 1979; Herman, 1981b; Rush, 1980; Russell, 1983; Summit & Kryso, 1978). An extreme position has even been forwarded which suggests that incest within an "endorsing family" can be beneficial to the child's emotional growth (Ramey, 1979; Rascovsky & Rascovsky, 1950). The balance of evidence, however, suggests that for any child, sexual contact with an adult is a significant trauma which may have long-lasting deleterious effects (Briere, 1984; Herman, 1981b; Sgroi, 1978). Retrospective studies of past victims provide support for this position. In his review of the Kinsey data, Gagnon (1965) found that 84 percent of the women interviewed rated their abusive childhood experience(s) as negative, 13 percent had mixed reactions, and only 3 percent perceived the experience(s) as positive; 80 percent of these women experienced difficulties in later life. In Finkelhor's (1979) survey, 58 percent of the women who had been sexually abused as children reported reacting to the experience(s) with fear, and 26 percent with shock; only 8 percent responded with pleasure. Geiser (1979) claimed that less than one-fourth of females involved in incestuous relationships escape with no apparent ill effects; Lukianowicz (1972) determined that only 23 percent of the victims in her sample were so fortunate.

A number of factors have been identified which influence victims' overall evaluation of their sexually abusive experiences. Based on his survey of college students who had been abused as children, Finkelhor (1979) found that the age difference between the victim and the offender, the sex of the offender, the degree of force, and the closeness of the relationship between the victim and the offender were key determinants of the lasting perceptions of his subjects. For both sexes, the greater the age difference between the victim and their abuser, the more negatively the experience was perceived; experiences with adult men were rated as much more unpleasant than experiences with adult women; the greater the degree of force used by the offender, the more unpleasant the experience; and finally, incestuous contacts with fathers and stepfathers received the most negative evaluation of all the reported types of experience.

These and the factors which follow have also come to be regarded as good indicators of the possible trauma and adjustment difficulties victims may suffer as a result of their abusive experiences. The age of the victim at the time of the abuse has been frequently noted as a determinant of trauma. It is generally held that the older the child, the more likely s/he is to experience negative repercussions as a result of the sexual abuse (Rogers & Terry, 1984; Schechter & Roberge, 1976; Sloane & Karpinski, 1942; Summit & Kryso, 1978). The explanation given for this finding is that as children mature morally and become more socially sophisticated, they come to view the sexuality as socially inappropriate and the incestuous relationship as exploitative (Summit & Kryso, 1978). It has also been suggested that older children experience greater conflict because they are more aware of the threat to their family which disruption of the incestuous system represents (Browning & Boatman, 1977; Kaufman, Peck & Taguiri, 1954).

Rogers & Terry (1984), who have done ground-breaking research in the area of male sexual abuse victims, identified five factors which affect the degree of trauma experienced by male victims. Three of these have been mentioned previously: age of victim, amount of threat or force, and closeness of relationship. In addition to these, Rogers & Terry offered that the reaction of significant others to the child's disclosure, and whether or not the abuse was reported and the offender effectively sentenced, dramatically influence the child's overall emotional reaction and recovery. These factors do not apply exclusively to male victims. Several other authors have noted that the reactions of friends, family and institutions can be a major source of the trauma experienced by victims of both sexes (Bach & Anderson, 1980; Burgess & Holmstrom, 1975; Finkelhor, 1979; Kempe & Kempe, 1984; Schechter & Roberge, 1976; Schultz, 1973). Bach & Anderson (1980), for example, have determined that a relationship exists between parental/familial supports and the likelihood that a child victim will experience problems stemming from their abuse. They found that when parental and family support systems were determined to be unsupportive, psychosocial symptoms were found at two and a half times the number found with child victims for whom those supports were in place. Finally, some authors have offered that the subsequent handling of the incestuous situation, rather than the abuse itself, is responsible for the damaging effects on the child victim (Sgroi, 1978; Walters, 1975). It has often been argued that sexually victimized children benefit from an effective, yet sensitive response from a system which vindicates them of all responsibility for the abuse.

Many other researchers have identified factors which are thought to influence the degree of trauma experienced by child victims and their capacity for readjustment once the abuse has ceased. Burgess and Holmstrom (1975) posited that the coercion, threats and secrecy implicit in incest contribute substantially to the trauma experienced by the victim. Geiser (1979) proposed that the key source of psychological damage is the violation by the adult of the child's trust. He noted that this violation is especially injurious because it occurs in the context of a supposedly caring relationship. Ruch and Chandler (1981) reported their belief that the preassault mental health status of a child influences his or her post-assault adjustment more than any other single factor. Dawson (1984) submitted that the duration of the abuse is a determinant of the child's post-abuse adjustment. And Kempe & Kempe (1984) suggested that both the character of the abusive act itself and the child's perception of the abuse be considered as variables of adjustment.

Both clinical observations and research findings have demonstrated that many short- and long-term sequelae are commonly experienced by victims of sexual abuse. Children often exhibit symptoms such as nightmares, bedwetting, fearfulness, social withdrawal or misbehavior, fire-setting, excessively clinging behavior, encopresis, urinary tract infections, vaginal infections, anal fissures, depression, memory or concentration disturbances, generalized aches and pains, eating disturbances, venereal disease, and hyperactivity (Geiser, 1979; Herbert, 1985; Kempe, 1980; Sgroi, 1978).

Young children may also be eroticized by their premature exposure to sexual activities and may have difficulty in obtaining gratification from age-appropriate activities (Yates, 1982). Weidman (1984) pointed out that eroticized children are at great risk for revictimization because they have been trained to interact (particularly with men) in a seductive or provocative fashion. This risk is compounded if they are placed in substitute care where they are exposed to strangers who may readily misinterpret their behavior.

Symptoms in adolescence include chronic running away, feelings of guilt and shame, drug and alcohol abuse, hysterical seizures, promiscuity, early pregnancy, venereal disease, fear of sexuality, confusion over sexual identity, depression, anxiety, eating and sleep disturbances, learning difficulties, feelings of helplessness and fear, somatic complaints (particularly lower abdominal or pelvic pain), feelings of dissociation, self-mutilation, anxiety dreams or nightmares, phobias, changes in behavior ranging from withdrawal to hyperactivity, changes in interpersonal relationships, truancy from school, mood changes, fear of men, prostitution, low self-esteem, multiple personality disorders and suicide attempts (Benward & Densen-Gerber, 1975; Browning & Boatman, 1977; Coons, 1986; Geiser, 1979; Herbert, 1985; Herman, 1981a; James & Meyerding, 1977; Rist, 1979).

Russell (1983) suggested that children who have been exposed to incest often suffer an impaired ability to judge the trustworthiness of others. This leaves them vulnerable to further assault as they are unable to accurately distinguish those who are trustworthy from those who are not. To back her claim, Russell presented findings that sixty-eight percent of the incest victims she interviewed were, in later life, victims of rape or attempted rape by a nonrelative, compared with thirty-eight percent of women who had not been sexually victimized in childhood.

Gagnon (1965) also discovered that the destructive effects of incest often persist into adult life. As mentioned earlier, he found that of the sexually abused women identified by the Kinsey study, 80% reported experiencing difficulties in later life. Adult women with a history of childhood sexual abuse often have persistent and severe impairments in intimate relationships, sexual functioning and self-esteem (Herman, 1981b; Meiselman, 1980). They are known to experience guilt, depression, dissociation, multiple personality disorder and feelings of inferiority (Briere, 1984; Coons, 1986; Tsai & Wagner, 1978; Herman, 1981b), to experience alienation, isolation, and distrust in their interpersonal relationships (Briere, 1984; Courtois, 1979), to have conflictual relationships with women (Geiser, 1979), to be promiscuous (Densen-Gerber & Benward, 1976), and to fear men (Briere, 1984; Herman, 1981b). Women who were sexually abused as children have been found to be more prone to dependence on prescribed psychoactive medication (Briere, 1984), to have a history of alcoholism or drug addiction (Benward & Densen-Gerber, 1975; Briere, 1984), and more likely to engage in prostitution (James & Meyerding, 1977). Sadly, they also demonstrate a strong propensity for marrying abusive partners, a situation which often results in a repetition of the sexual abuse in the next generation (Briere, 1984; Herman, 1981b; Justice & Justice, 1979).

The findings reported in this section indicate that there are many elements related to child sexual abuse which are potentially traumatic for the affected child. It is the predominant view that most child victims will suffer psychological and/or physical problems as a consequence of their abuse, although the nature and extent of these difficulties will vary from child to child depending on the circumstances of each case. It was suggested that certain factors, such as sufficient parental and familial support for the victim, may mitigate or offset psychological and emotional repercussions. The problems which have been seen to result from child sexual abuse are numerous, and if they go untreated, may persist well into adult life. It was also noted that untreated past victims of child sexual abuse are often drawn to abusive partners, thereby rendering their own children vulnerable. It is felt that an effective, yet sensitive response from the systems of intervention (the police, Social Services, the legal system) is crucial to the recovery of the sexually abused child and his or her family.

Disclosure of the Incest Secret - Despite its massive dimensions, it is generally acknowledged that only the tip of the child sexual abuse iceberg is presently visible. Underreporting is known to be widespread (Porter, 1986). Fear, confusion and ignorance about what to do prevent many child victims from reporting the abuse to an authority. In his research into past victims, Finkelhor (1979) found that 63% of the females and 73% of the males who participated had never told anyone of their abusive childhood experiences. In reviewing the Kinsey data, Gagnon (1965) discovered that of the 25% of the adult women who had been sexually abused as children, only 6% had reported the assault(s) to the police; the majority had never told anyone before speaking with the interviewer. Kinsey's data also revealed that disclosure of the sexual assault was linked to the character of the assault itself: when it involved a single event with a stranger only 14 percent of those so victimized never told, yet 83 percent were silent when their abuser was known to them and used coercion. Russell (1983) reported similar findings. Of the 930 women who participated in her study, 442 (49 percent) reported having had an unwanted sexual experience before the age of 18 years. Of these cases, only 35 (8 percent) were ever reported to the police. Like Kinsey, Russell's data indicated that children who were victimized by someone other than a relative were more likely to disclose the abuse (2 percent intrafamilial vs. 6 percent extrafamilial).

Various efforts have recently been made to educate children about child sexual abuse (e.g., Feeling Yes/Feeling No, CARE Kit), and such endeavors have served to increase the likelihood that children who have been sexually victimized will report their abusive encounters. Still, many children suffer in silence for years, until such time as they find the resources to escape.

When it does occur, disclosure may come either directly from the child, indirectly through someone to whom the child has confided the secret, such as a best friend, or by accident (Sgroi, 1982). When the disclosure is made directly, it is often prompted by something other than the sexual abuse itself (James & Nasjleti, 1983; Kempe, 1980). For instance, upon reaching adolescence, a victim may disclose in an effort to escape the often severe and unreasonable restrictions of her jealous father.

The discovery of intrafamilial sexual abuse thrusts most families into a state of extreme crisis. Disclosure represents a serious disruption to established patterns of functioning and a threat to the survival of the family (Herman, 1983). The family responds to this threat by trying to restore its former "incestuous equilibrium" (Schechter & Roberge, 1976, p.129). For this reason, disclosure is a particularly vulnerable time for the victim. Unless she receives immediate and effective support, the victim may succumb to the pressure exerted by the offender and other family members and retract her allegations of abuse.

The mother is also highly emotionally susceptible at the point of disclosure. She finds herself torn between her child and her partner, a man who steadfastly insists that the child is lying and that he is innocent. While the mother may initially believe her child and attempt to take protective action, without support she may soon be convinced to see things from her partner's perspective (Herman, 1983).

After Disclosure: The System's Response - In recognition of the serious nature of child sexual abuse, the Child Welfare Act of Alberta (1984) stipulates that all cases of suspected child abuse must be reported to a director of Child Welfare (Sections 3 (1) and 5 (2)). The Act further states that any person who fails to comply with either of these sections is guilty of an offence and liable to a fine or term of imprisonment (Section 3 (6)). Upon receipt of a report of suspected child abuse, it is the responsibility of the Child Protective Services (CPS) to determine whether or not a parent was negligent or "permitted the child to suffer abuse", and to assess the need for protection of the child.

As child sexual abuse is a criminal act, the police must also investigate each reported case. Though the purpose behind each is quite distinct, the investigations conducted by both the police and CPS are equally necessary and important. Until recently, however, these systems have operated in relative isolation, with frequently conflicting philosophies and practices. Not uncommonly, child victims were inadvertently left "in limbo", sometimes at serious risk, having fallen into the cracks between the two systems. This lack of collaboration between professionals was identified as underlying many of the problems encountered by those working in the area of child sexual abuse (Metropolitan Chairman's Special Committee on Child Abuse, 1983; Molnar & Cameron, 1975; Summit, 1981).

It has also been recognized that without a coordinated effort by those investigating suspected sexual abuse cases, child victims are put in a position of having to retell their story many times. It is felt that the risk of retraumatization increases dramatically as the child victim is exposed to an array of professionals, many of whom may have little or no experience or knowledge of the problem. It is also now commonly held that the greater the number of times sexually abused children have to repeat their stories, the more they feel they are not believed and the more likely they are to recant.

The (Toronto) Metropolitan Chairman's Special Committee on Child Abuse was established in October of 1981 with a mandate to develop improved methods of coordination and delivery of services to abused children and their families. Out of the efforts of the individuals on this committee came the ***Child sexual abuse protocol: Guidelines and procedures for a co-ordinated response to child sexual abuse in metropolitan Toronto*** (Metropolitan Chairman's Special Committee on Child Abuse, 1983). This protocol provided a model for many of those developed elsewhere throughout Canada. In Edmonton, the Edmonton Inter-Agency Committee, a group comprised of representatives from the police, the RCMP, the Attorney General's Department, Alberta Social Services and local treatment agencies, has prepared a protocol which outlines what they regard to be an optimal systemic response to reported cases of child sexual abuse.

The following principles provided the framework on which the local system's response was built.

1) Children reporting sexual abuse should be presumed to be telling the truth, unless or until there is clear evidence to the contrary.

2) Children bear no responsibility for their involvement in child sexual abuse, regardless of time or circumstances.
3) A main objective is to protect and support the child. All members of the family are entitled to support and treatment.
4) Child sexual abuse is an issue for the whole family.
5) Ideally, the offender should be removed from the home, not the child. This shifts the power balance in the family and reinforces the responsibility of the offender for the abusive actions.
6) Court-mandated treatment offers the best assurance that offenders will in fact be treated. Without treatment, the risk of re-offence is high and it is well-established that offenders seldom voluntarily remain engaged in treatment.
7) Sexual abuse of children is a criminal act which should be investigated and prosecuted. The use of the criminal process conveys a message that this behavior is legally unacceptable in our society, that the perpetrator is responsible for these actions and must bear the consequences. The criminal process should validate the child, who is helped to realize that the offender bears the sole responsibility for the abusive actions.
8) The child should not have to repeat his or her story more than is essential. Joint interviews with the police and child welfare staff and the taping of interviews when feasible avoids unnecessary repetition.
9) Mutual reporting and disclosure of all relevant information will occur between the police and child welfare throughout the investigation. (Edmonton Inter-Agency Committee, 1987, pp. 2-3)

A closer examination of this protocol provides us with further details of the new procedures as they pertain to the abused child. Disclosure is considered a critical situation for the victim. As such, the police and CPS team are to respond promptly and in a coordinated fashion to ensure that the child is not kept waiting. In all cases, the joint investigation should commence as soon as possible and should be conducted by investigators with training in the area of child sexual abuse. In those situations where the child may be at risk or where possible evidence is likely to available only at the time of reporting, the investigation should be undertaken immediately.

The team approach is the desired method of intervention, yet the investigating police officer and the child protection worker have distinctly separate mandates to fulfill. The police officer's prime responsibility is the investigation of the offence, while the child protection worker's prime responsibility is to protect the child(ren) involved.

The initial interview of the child should be conducted in a neutral setting. The location chosen for the interview should be one in which the victim feels safe and one which will be free from interruptions. It is the responsibility of the members of the investigating team to offer the child the opportunity of having a support person present during the interview. To encourage communication, language appropriate to the child's age should be used. In addition, drawings, anatomically correct dolls, puppets and other aids are recommended for use when interviewing child sexual abuse victims. The interview should be audiotaped in all cases and videotaped where circumstances permit.

Videotaping the initial interview with the child is recommended even though this practice has not been widely endorsed by the legal community in this country. Although videotapes have not yet been accepted as admissible evidence in criminal proceedings, the whole concept of taping is currently under study by the legal system. In areas where videotaping has been more widely utilized, it has been shown to be an effective mechanism both for reducing pressure on the child and for expediting the matter through the courts. The Inter-Agency Committee's (1987) protocol outlines six ways in which videotaping can be of use in cases of child sexual abuse:

> a) to avoid professionals re-interviewing the child;
> b) to inform the accused and his counsel of the case against him;
> c) to encourage an early guilty plea from the accused;
> d) to ascertain the capacity of the child to testify in court;
> e) to refresh the memory of the child witness in court; and
> f) to act as independent evidence in Child Welfare proceedings. (p. 12)

The child sexual abuse investigation team should decide when and where a medical examination is to be obtained. In cases where there has been sexual contact within the past week an examination should be conducted immediately. Such medical examinations should be performed only by a knowledgeable and competent physician and should follow an established protocol for the identification and collection of evidence. The purpose of the physical examination is to identify and provide treatment for any physical trauma or conditions requiring medical attention (e.g., sexually transmitted diseases or pregnancy), to collect any existing corroborative evidence of sexual abuse, and to reassure the child and parent(s) that the child is physically unharmed.

Once the initial investigation has been completed, immediate action must be taken to protect the child who has been victimized. In intrafamilial situations, the alleged offender is usually denied unsupervised access to the child. To separate the child from the offender, one must leave the home. In the past, the child was automatically removed by CPS to foster care or to a group or receiving home situation. There were three problems with this backward approach: 1) the child was given the message that s/he was being punished for what had happened; 2) the alleged offender was often left at home with access to other children; and 3) it became difficult to find adequate alternate care for the ever-growing number of abused children. Now, in cases where the non-offending parent(s) is supportive of the child, every effort is made to remove the alleged offender from the home instead of the victim.

At the conclusion of the initial investigation, a decision is made whether or not charges should be laid against the alleged offender. While charges may be laid under the Criminal Code and/or the Child Welfare Act, the protocol recommends that preference be given to Criminal Code proceedings because of the need to make the perpetrator fully aware of his criminal actions. It is hoped that the utilization of the criminal process will clearly convey to the offender that he alone is responsible for the abuse and its consequences, that his behavior is unacceptable, and that the community is prepared to mobilize its resources to protect children.

As the evidence requirements for criminal proceedings are quite strict, criminal charges are not automatically laid in cases of child sexual abuse. This should not influence the decision to commence child welfare proceedings, however, as the determination of the child's best interests and of whether or not a child is in need of protection are decisions independent of the criminal process.

The protocol suggests that a Crown Attorney should be assigned to conduct the prosecution of the criminal case to its conclusion. The decision to call the child victim as a witness is made by the child's legal representative in light of factors such as the strength of other evidence (e.g., medical), the potential trauma to the child as a result of testifying, and the nature and reliability of the hearsay evidence. If the child must appear as a witness, he or she must be adequately prepared for that experience. The prosecutor, police, social worker and treatment agencies must all share the responsibility of ensuring that this preparation is completed. The protocol does not specify what steps must be taken to prepare the child witness for court except to recommend that the Crown Attorney should meet with the child prior to the preliminary hearing or trial. Social workers are given the responsibility for contacting the prosecutor to arrange interview times for the child and for emphasizing to the prosecutor the need for the pre-court interview. Finally, it is recommended that a speedy resolution to all matters involving the child should be pursued.

The protocol prepared by the Edmonton Inter-Agency Committee (1987) marks an important first step toward improving the local system's response to reported cases of child sexual abuse. It recognizes that special measures must be taken in the investigation of child sexual abuse in order to maximize the child's safety, and it outlines investigative procedures which are intended to minimize the potential trauma to the affected child. It also highlights the importance of the role of the criminal process in the resolution of child sexual abuse cases. Judicial intervention serves four essential functions: it conveys the message to the offender that his abusive behavior is legally unacceptable and that he alone is responsible for his actions and must bear the consequences; it validates the child who can be relieved of the responsibility for the abuse by a judicial system which holds the perpetrator fully accountable; it allows the system to retain some leverage over the offender through the imposition of court-mandated conditions specifying things such as treatment requirements and family access restrictions; and, it restates and reinforces society's position that child sexual abuse will not be tolerated.

From a critical standpoint, this protocol falls short of providing a concise picture of how child sexual abuse cases should be handled after the initial investigation has been concluded and protection concerns have been resolved. Of particular significance to this study is the scant treatment given to the issue of the child victim as witness. For example, the protocol suggests that the potential trauma to the child as a result of testifying must be considered by the child's legal representative when deciding whether or not the child will be called as a witness, but it does not specify how or by whom that potential trauma will be assessed. It seems that such an assessment would be vital to the decision-making process. Jaffe, Wilson and Sas (1987) addressed this issue in a recent paper and concluded that child witnesses should be assessed by mental health professionals with regard to their abilities to testify and to cope with the potential trauma present in the courtoom. Assessments of this kind would serve as a needed measure of protection for child witnesses, and would also provide information to police officers, lawyers, and judges about what to expect from individual victims in the courtroom setting. Jaffe et al. (1987) have proposed that a two-part assessment, composed of a fairly traditional psychological assessment and a mock trial, be utilized.

Another shortcoming of the protocol is its failure to specify what preparation is necessary for child victims who testify in court. The authors of the protocol only go so far as to conclude that child witnesses must be prepared for all court appearances and to delegate the responsibility for that task to the prosecutor, the police, the social worker and the treatment agencies which are involved with the child. The danger arising from such a broad assignment of responsibility, especially in the absence of a detailed description of the job at hand (i.e., adequate court preparation for the child witness), is that child witnesses may not receive the attention that they both deserve and require.

One final critical observation is that the protocol fails to designate any individual as responsible for providing ongoing emotional support and case advocacy and coordination on behalf of the child. Given the disrupted and disorganized conditions of most families following disclosure and the subsequent exposure of the affected child to an array of unfamiliar professionals and procedures, it is essential that a specific person be assigned to provide the child with stable support throughout the resolution of the case. While child welfare workers have usually filled this function in the past, this designation has not always proven adequate as child welfare files are typically closed as soon as child protection issues have been resolved, which is most often well in advance of the conclusion of any criminal matters arising from the case.

The Child Victim and the Criminal Process

Children have participated in the resolution of legal matters for centuries, yet historically they have not been well received by the judicial system (Goodman, 1984b). The legal system's original rules and practices for dealing with child witnesses were predicated on poorly conducted turn-of-the-century psychological studies on children's testimony which found children to be "the most dangerous of all witnesses" (Baginsky, as cited in Whipple, 1911). Until recently these legal institutions were rarely challenged, but a reawakening of research in psychology and law, paired with an increase in societal awareness of and concern for both children's rights and their needs of protection from abuse, have prompted a review of these traditions.

Current psychological research efforts have done much to improve the reputation of child witnesses. The credibility of children's statements and their competency to testify, the two issues central to the concerns regarding child witnesses, have been re-examined, and the results, to this point, have been encouraging. The recent findings have shown that while individual differences amongst child witnesses do exist and must be taken into consideration, the use of children's testimony is generally well-founded (Badgley, et al., 1984; Goodman, 1984b; Marin, Holmes, Guth & Kovac, 1979; Melton, 1981; Nurcombe, 1986). Many of these studies, however, while recognizing that children have the cognitive capabilities to be effective witnesses, have emphasized that the efficiency of child witnesses could be maximized if special techniques and procedures, which allow for the developmental limitations of children, were utilized in the investigation and prosecution of criminal matters. For example, criminal investigations which rely solely on verbal dialogue place children, especially younger ones, at a distinct disadvantage because children have great difficulty reporting events on a purely verbal basis (Goodman, 1984b). Children may know much more than they can spontaneously recall or coherently report, but may require the use of relevant props to assist them in retrieving and relaying their knowledge. While adults' memory can usually be more easily facilitated through verbal prompts, a child is likely to need more concrete cues. In the investigation of child sexual abuse cases, for instance, anatomically correct dolls and other aids are now used to obtain testimony from child victims (Berliner & Barbieri, 1984).

A second theme which has prompted requests for procedural reform concerns the child witness' emotional reactions to being involved in the criminal justice system. Little is known about the child's emotional response to the legal process, but much professional concern has been expressed over the potential for psychological trauma which exists within the current system (Bauer, 1983; Berliner & Stevens, 1979; Fraser, 1981; Gothard, 1987; Krieger & Robbins, 1985; MacFarlane & Bulkley, 1982). It has been suggested that the trauma for a child witness is likely to be greatest when the child is a victim of crime or has significant ties to the defendant; both of these factors prevail in cases of intrafamilial child sexual abuse (Benedek & Schetky, 1986).

Child witnesses, in general, are faced with a formidable task. Once a child is deemed competent to testify, the same rules apply to the child as to an adult witness (Goodman, 1984a). Few allowances are made for the child's limited ability to compete within an adult system, particularly where criminal charges are being heard (Berliner & Stevens, 1979). The accused person's rights have been vigorously protected in criminal court in light of the stiff penalties which can be imposed for criminal offenses (Fraser, 1981; Levinger, 1984). These rights include the right of counsel, the right to a speedy and public trial, the right to confront the accuser (the child), and the right of cross- examination. Child witnesses, on the other hand, have no constitutional rights to protection during the investigation of a crime or during the trial, even if they are the victims of that crime (Goodman, 1984b, Melton, 1984).

Child victims of intrafamilial sexual abuse are placed in a particularly difficult position when involved in legal proceedings against their abusers. The first barrier they come up against in the criminal justice system is a lingering suspiciousness of all intrafamilial sexual abuse allegations. This deep-seated skepticism is one of Freud's legacies which extends from his assertion that children often fabricate tales of sexual assault. Once accepted as competent witnesses, child victims of sexual abuse are faced with some very special challenges. They must face their abusers, often a father or father-figure, in an open courtroom which may be filled with spectators, relate the often embarrassing details of their abuse, and suffer through the usually unsympathetic cross-examination of the defence lawyer (Fraser, 1981). Without adequate preparation, the courtroom, the courtroom process, and even the child's legal representative, the Crown Prosecutor, may be unfamiliar and intimidating to the child. As they are usually the only witnesses to the crime(s) committed against them, and since there is rarely any corroborating evidence to support their allegations, child sexual abuse victims carry considerable responsibility for the outcome of the legal proceedings. And, given the sensitive family dynamics involved, the child victim may not have the benefit and comfort of familial support, or worse, may be exposed to the constant and insidious pressure of family members to recant or refuse to testify at later proceedings. To compound the situation, the legal resolution of intrafamilial child sexual abuse cases can extend over months or years as postponements and continuances are common. This creates added burden for the child victim who must preserve very specific details of his or her abuse for future court appearances. Not only does this system impose unreasonable expectations on a child's memory, it interferes with the child's process of healing by forcing the child to relive the abusive experiences again and again over a protracted period of time.

The difficulties facing child victim/witnesses have begun to receive the attention they have long deserved. Until very recently, this recognition had come predominantly from professionals working with abused children and from researchers in child development who had special interests in children as witnesses. As a result of this attention, many suggestions have been made as to how the lot of child victims involved in the criminal justice system might be improved. Some of the recommendations which have been put forth are very simple, such as ensuring that the child and his or her family are educated about the legal process (Berliner & Stevens, 1980), and arranging trial schedules so that a trial involving a child is given priority on the court docket (Goodman, 1984a). Others, such as the establishment and utilization of children's courtrooms (Libai, 1969), are far more ambitious, and their implementation would rely on major revisions to existing judicial rules and practices.

The Badgley Commission Report (1984) on sexual offences against children and youth in Canada included many recommendations regarding possible modifications to existing Canadian law which would improve the system's response to the problem of child sexual abuse. Of particular relevance to this study were the committee's conclusions with respect to the role of the child witness and the issue of system-induced trauma resulting from court intervention. As to the first of these matters, Badgley et al. (1984) wrote: "Canadian children cannot fully enjoy the protections the law seeks to afford them unless they are allowed to speak effectively in their own behalf at legal proceedings arising from allegations of sexual abuse" (p. 372). To remedy this situation, the report suggested modifications to the Canada Evidence Act such that children's evidence could be heard more effectively in legal proceedings. With regard to the issue of system-induced trauma, the report concluded that numerous modifications of courtroom procedures were necessary in order that child witnesses could be accommodated without further victimization and traumatization.

While the legal system in this country has been slow to develop mechanisms which support and encourage successful prosecution when the victim witness is a child, it has responded to the findings of the Badgley Commission Report. The Minister of Justice has prepared new legislation concerning child sexual abuse, and in the final version of this legislation, Bill C-15, has created five new offences, modernized four old offences, and introduced a number of procedural changes, particularly pertaining to rules of evidence. Critical reaction to the new provisions has highlighted the difficulty of implementing the new legislation in a system which is already stretched to its limits (Lipovenko, The Globe and Mail, November 17, 1987, p. D8). While the new laws may make it easier for child victims to be heard in a court of law, it remains to be seen how much extra protection will be afforded child victim/witnesses as a result of the new provisions. For example, the new legislation allows for the young victim to be examined and cross-examined via closed-circuit television away from the courtroom (in another part of the building) so that the child can be separated from the alleged offender if it is determined that facing the accused in court is upsetting to the child. While this provision is welcomed by professionals working with child victims, questions have been raised as to how receptive judges will be, and to how easily these new procedures can be accommodated in already cramped courthouses.

So, while the new legislation offers some hope for better treatment of future child victim/witnesses, the true benefit to the emotional well-being of these children has yet to be determined. Regardless of the ultimate results of these top level revisions, steps can and should be taken to minimize potential trauma to child victims well in advance of their being called to the witness stand (Krieger & Robbins, 1985). It is suggested that the period which precedes actual courtroom involvement is a time of great vulnerability for child victims; the conditions which exist for these children during this stage can profoundly affect their emotional well-being prior to the trial and influence their emotional reaction to the legal proceedings themselves.

Pre-trial preparation has been touted as an important measure for preventing, or at least mitigating trauma resulting from a child victim's experience as a witness (Bauer, 1983). The position which is espoused in this study is that a well-planned and age-appropriate court preparation program is essential to the care of child victim/witnesses, but it may not be enough, especially where intrafamilial child sexual abuse victims are concerned.

The disorganization and disruption inherent in families affected by incest may give rise to many special needs on the part of child victims which must be addressed by the system if these children are to be provided with the best possible care.

CHAPTER III

THE RESEARCH METHOD

The aim of this study was to investigate the conditions which exist for sexually abused children prior to their testifying in court. Special attention was paid to identifying the children's perceptions of how their lives have been affected as a result of their involvement with the judicial system, the kinds of support and preparation these children received prior to testifying, the sources from which this support and assistance came, and the ways in which the legal and child welfare systems might better assist and accommodate child victims of sexual abuse. Information pertaining to these issues was obtained from five sexually abused children and from those of their parents who were willing to participate. The following sections of this chapter describe how the participants were obtained, outline the procedure of the interview, and describe the analysis of the information which was collected.

The Selection of the Children

Five children, four female and one male, were interviewed. They ranged in age from 11-15 years. The mothers of two of the female participants and the parents of the male participant also agreed to be involved in this study. They were interviewed as they offered complementary information to that supplied by their children regarding the subject matter under study. It was also hoped that the information gleaned from interviews with willing parents would provide an indication of the amount of support that may be available to child witnesses from their parents in situations such as this. All of the children had been sexually abused by a relative and were involved in the process of having the criminal charges laid against their abusers brought before the courts. The children differed in the amount of prior first-hand experience they had with the judicial system: one child had already testified at the preliminary hearing of his case, and another had previously been a witness in a separate matter. All of the children were facing a trip to court as a witness at the time of their interview.

The Sexual Assault Centre of Edmonton and the Group 5 Youth Counselling Centre (alternately referred to as Group 5) were the formal referral sources for the participants in this study. Prior to the agreement to provide referrals, the investigator submitted a copy of the research proposal and interview outline to the directors of both agencies. Subsequent meetings were held with the directors and relevant staff members of each agency to discuss the study and the mechanics of the referral procedure. It was agreed that therapists from both treatment centres would refer clients who satisfied the following criteria: a) that they be scheduled to testify in criminal court against the person who had sexually abused them within eight weeks; b) that they be considered verbal enough to be able to articulate their feelings and experiences; c) that they be regarded as stable enough to discuss the topic under investigation without risk of causing them any further psychological harm; d) that they be willing to participate in the study after having been given a brief description of it; and e) that their parent(s) or guardian(s) be willing to sign a consent form (see Appendix A) giving permission for them to participate in the research project. In those cases where the parent(s) agreed to participate, they were also asked to sign a consent form (see Appendix B).

One child was referred through the Sexual Assault Centre and the other four through the Group 5 Youth Counselling Centre, an agency at which the investigator is employed as a therapist. Procuring participants was certainly the most difficult aspect of this study. The problems encountered were: 1) three potential participants were ruled out because their respective mothers were so emotionally overwhelmed by their child's victimization and the consequences of disclosure that they were unable and unwilling to support their child's involvement in this project; 2) one female victim who had agreed to participate in the study was so terrified by the prospect of having to testify in court that she ran away shortly before the scheduled trial date; 3) one female participant became unsuitable for inclusion in the study when the scheduled date for her trial was indefinitely postponed: such last-minute extensions are commonly requested by defense lawyers in order that they may have more time to prepare their case; and 4) the courts were on their summer schedule when the data collection for this project began, so very few suitable cases were available at that time.

Interview Procedure

Contact with the client from the Sexual Assault Centre was initiated by telephone. Those clients from the Group 5 Youth Counselling Centre with whom the author was previously unfamiliar were introduced to her by their respective therapists. The nature and purpose of the study were explained to all prospective participants, and they were given the opportunity to ask questions before making their final decision about participating. Arrangements were then made for the interview. The place of the interview was left to the participant: two participants (and their respective parents) and the mother of a third participant were interviewed in their homes, while the remaining three participants were interviewed in the investigator's office. All participants (and those parents who agreed to be involved) were formally interviewed once prior to their day in court. The investigator also accompanied four of the respondents to court (the trial date for the male participant was unexpectedly and indefinitely postponed just a few days before the scheduled trial date): this allowed her the opportunity to offer them support and to observe them and the conditions with which they were faced immediately preceding their being called to the witness stand.

The specific technique of data collection employed in this study was the semi-structured, focused in-depth interview (Denzin, 1970). Following this approach, the interview questions, which were constructed from a previous analysis of the problem under study, were used as a guide, and flexibility was exercised with regard to question order to allow for the development of rapport and exploration of areas that were unclear (Bradburn, 1979). Although the scope of the interview is broadly defined by the objectives of the research and the questions asked, its purpose is to explore in depth the individual's subjective experience of the phenomenon under investigation. Consequently, variations in interaction with the participants did occur.

All of the interviews were conducted by the investigator; as she was known to be a counsellor in the area of child sexual abuse, it is felt that the respondents may have been more inclined to raise related issues than they would have been if they had been interviewed by someone less familiar with and sensitive to the many problems encountered by child victims of sexual abuse. The interviews were audio-taped with the written consent of the participants (or their respective caretakers). This helped to facilitate the interview process by enabling the investigator to devote her undivided attention to each respondent during their interview. Tape-recording the interviews also provided the means for checking both the consistency of the interviewer's approach and the interview content.

As no appropriate research instruments were available for use in this study, two were constructed by the author. The first drafts of the proposed interview schedules were submitted for critical review to both the members of the author's thesis committee and to various professionals working in the area of child sexual abuse. The interview schedules were then modified to incorporate the recommended changes: the final versions can be found in Appendix C (Child form) and Appendix D (Parent/Guardian form).

Following is an outline of the major topic areas that were covered in the interviews. The conversation topics were developed partly with reference to Melton (1981, 1984), Goodman (1984a, 1984b), and Finkelhor (1979).

Child Interview

- Demographic Data
- Present self-description
- Relationship with parent(s) and siblings
- Relationship with peers
- School performance and recreational activities
- Effect of upcoming trial (on familial relationships, peer relationships, school performance, eating and sleeping patterns, other)
- Feelings about going to court and factors which may have influenced these feelings
- Prior court experiences

- Present court preparation
- Recommendations for how the process of going to court could be made easier

Parent Interview

- Demographic Data
- Present description of his/her child
- Evaluation of child's relationship with parent(s) and siblings
- Effect of upcoming trial (on parent, child, siblings, parent's relationship with child, other)
- Feelings about upcoming trial and factors which may have influenced these feelings
- Prior court experiences
- Present court preparation of child
- Recommendations for how the process of going to court could be made easier

The Analysis and Interpretation of the Data

The first step in the analysis of the information collected involved a verbatim transcription of the audio-taped interviews. Case descriptions were then extracted from the transcribed material. In order to most clearly demonstrate how the participants perceive and construct their reality, samples of their language are often included in the case descriptions. The intention behind this approach is to reflect as closely as possible the world-view of each of the interviewees with regard to the issue under examination.

Following the case descriptions the interviews were collectively analyzed with reference to the following questions:

1. What is the most difficult thing about going to court from the perspectives of these children?
2. What kinds of assistance did these children receive in preparing to go to court? From which sources did this help come?
3. Do these children perceive that their involvement with the legal system has influenced:
    a) relationships within their family?
    b) relationships with their peers?
    c) their school performance?
    d) their sleeping or eating patterns?
    e) other?

   If so, how?
4. Do these children have any central concerns at this time? If so, what are they?
5. What suggestions, if any, can these children offer with respect to ways in which the "going to court" experience could have been made easier for them?
6. Would these children go through the court experience again if they knew

at the outset what they know now about what is involved in the court process?

7. What other factors might account for any trauma these children may be experiencing?
8. What do these children consider a just outcome to the case? Why?
9. If a good fairy offered each of these children one wish, what would they ask for?

The final step in the analysis process involved reducing the interview data into natural meaning units. Typically, the subject's answer to a particular question contituted a natural meaning unit. Once the meaning units were established, the themes inherent within each unit were delineated. This process is an adaptation of that described by Giorgi (1975).

CHAPTER IV

THEIR STORIES

Colaizzi (1978) noted that one must begin the investigation of a particular pheomenon by "contacting that phenomenon as people experience it" (p. 57). The initial step in this process is to gather descriptions from subjects of what their experience is. In keeping with this notion, the first section of this chapter is devoted to the telling of each child's story of their experience of being involved with the legal system. Where pertinent, information from sources other than the child (e.g., parents, counsellors, etc.) will be included so that the most complete description of each case may be provided. These other sources will be clearly identified in order to distinguish the child's perceptions of his/her situation from the perceptions of those interacting with the child. Where possible, quotes will be drawn from the interview data to ensure relatively unbiased presentation of the results. It should be noted that the names of all the participants, and of the people to whom they make reference in their respective interviews, have been changed in the interest of preserving their anonymity. All dates pertaining to the investigation have been similarly altered.

In the second portion of this chapter, the data from all the participants will be analyzed collectively to see what commonalities and differences emerge with respect to the research questions posed. It is expected that through such an analysis both recommendations for changes to the current system and areas in need of further study will be identified.

The Children

SAM

Sam was eleven years old at the time of this interview (which took place in between the preliminary hearing and the scheduled trial date). He is an only child and he lives at home with his parents. Neither of Sam's parents were employed when they spoke with me and the family was receiving financial support from Alberta Social Services.

Sam was repeatedly sexually abused by his paternal grandfather over a three year period (1983-1986). Sam disclosed the abuse to his mother in May of 1986 after having watched a television program on the subject of sexual abuse. His mother took immediate action in reporting the abuse to the police and to Social Services, and in arranging to have Sam receive treatment at the Sexual Assault Centre of Edmonton.

Sam's grandfather was charged by the Edmonton City police and Sam testified at the preliminary hearing, which was held on December 3, 1986. The judge who presided over the preliminary inquiry determined that there was enough evidence to proceed with the case and Sam's grandfather was bound over for trial. The trial was originally scheduled for May 1, 1987, but Sam's grandfather's lawyer requested and was granted extensions until February of 1988. The case was concluded on 29th of February, 1988, twenty-one months after Sam's disclosure.

Having the case prolonged has been very difficult for Sam's parents, particularly his mother, Betty. She feels strongly that Sam has been "unable to get on with his life" while the trial is still pending. Both she and her husband, Rick, noted the emotional toll that going to court took on Sam. According to Betty, "he (Sam) was very much downgraded when he told us...and prior to that (the disclosure) even...You know, he had no good aspects to think about himself." She stated that, with the help of many people, Sam's self-esteem improved steadily until the preliminary hearing, at which time he suffered a notable setback. Rick felt that the recovery which Sam made following the preliminary inquiry did not prepare him for, nor protect him from what is to come at the trial. Rick observed, "They built him back up for him to be knocked back down. They built him back, they built him up for him to be knocked back down again come trial date. He had to go through the whole thing all over again."

In reviewing the circumstances both prior to and during the preliminary hearing, Sam indicated that, except for "[coming] out [of the preliminary hearing] mad", his mother has not changed in any way in reaction to this situation. As Sam described it, "she's been acting the same, like normal." Sam views his mother in a generally positive light. In describing her, he said, "Oh, she's kind to me, sometimes she's mean to me, and other ways she feels sorry if she's mean to me." He further indicated that he gets along with his mother on every issue except for that of his going to the arcades. It is also important to reiterate that Sam revealed his long-guarded secret to his mother, a fact which suggests that he feels safe with her and considers her to be very trustworthy.

Sam's relationship with his father is not as satisfying. Rick was both physically and sexually victimized as a boy by his father, the same man who abused Sam. Rick stated, "I've learned to live with it. I've put it behind me since I was nine years old, and I'm thirty-three. I put it in the back of my head, behind a door and just left it there." Sam's disclosure, however, resurrected his father's memories of his abused past, and Rick has since been preoccupied with the unresolved issues and feelings he has related to his own abuse. In addition, Rick feels responsible for Sam's having been abused. He believes that in his need to achieve a satisfactory relationship with his father, he chose to overlook his father's past behaviors and unwisely entrusted his son to his father's care. In Rick's words, "If it wasn't for me coming out here [from Manitoba], coming out on the trips in the first place, that (Sam's abuse) wouldn't have happened. I shoulda seen 'cause I know my Dad from the past...What I'm takin' reponsibility for was my own stupidity, my own fault. He (Sam) shoulda never been left behind alone with him when we went out shopping...I know!...but I was too blind to see 'cause I had a one track mind. I wanted a father-son relationship, nothing else. So I'm blinded. So, it's my own fault, and I'm at fault for what happened."

Rick's self-absorption is evident to all those with whom he interacts, including Sam. When asked to describe his father, Sam replied, "I really don't know. I don't know his facts right now...I don't know what's all going on." Sam does regard his father as "[being] really upset right now...upset that what he (Grandpa) did to my Dad is what happened to me." Interestingly, though Rick is seen by Sam to be "acting a little bit strange", he offers Sam comfort in an unexpected manner. Sam's central concern regarding his upcoming court appearance is that he may be shown to be lying, yet within the confines of his home, at least, he knows he is believed. Ironically, his father's own abused past gives him reassurance in this regard, as Sam clearly indicates in the following statement: "My Dad believes me because it happened to my Dad."

Many "professionals" have been involved with this family since Sam's disclosure. As noted earlier, Betty reported the abuse to the proper authorities immediately after Sam told her of his sexual encounters with his grandfather. The following day a male detective from the Child Abuse Unit of the Edmonton City Police and a female investigator from Child Welfare (Alberta Social Services) jointly conducted an interview with Sam at his home. Shortly after this home visit was made, Sam and his parents were required to meet with the same detective in his office to give him their written statements. The investigator from Child Welfare was present at this meeting as well. Betty perceived the investigator's function in this setting as being "in support of Sam". Betty also noted that the detective and the investigator took that opportunity to desensitize Sam to the unfamiliar surroundings of the police station and to inform him about what would be required of him in the course of his grandfather's being brought to trial. In her words, "...they talked to him, you know, generally...what was going on and what might happen, what might not happen and...just to make him feel at ease also with the police department itself." The Child Welfare investigator's last contact with this family was at the preliminary hearing. Again, as at the police station, her role was that of support person to Sam and his parents.

A child protection worker was also assigned to this family, and he reportedly kept a watchful eye over them in the course of his monthly home visits. Betty explains, "...he was there just to basically see how our family life was doing and how Sam was doing throughout all this ordeal right up unto the preliminary hearing. He's been here afterwards as well. Just a house visit, that's all he does."

Finally, a therapist from the Sexual Assault Centre has been working with Sam and his parents since soon after Sam's disclosure. She was described by Betty in positive terms. Betty indicated that the therapist has been supportive of Sam, effective in her work with him, and generally helpful to the entire family in helping them to cope with Sam's sexual abuse and related issues.

Interestingly, of all the "helpers" with whom Sam has come into contact as a result of his disclosure, Sam credits only the detective assigned to the case with having helped him prepare for going to court. According to Sam, the detective was "pretty good to me. He helped me out, like what to s..., some things, like he wanted to know what all happened." Sam added that the detective also assisted him and his family by "...finding out anything, like anything's been changed or anything [related to court]." Further, the detective met with Sam prior to court and took him through an empty courtroom, an experience which Sam described as "not [helpful] at first", as he was still "a little bit scared" when he first took the stand. In retrospect, however, Sam believes that it was better to have known about the layout and procedure in the courtroom beforehand than to not have had that information made available to him.

Sam did not have any contact with the Crown Prosecutor assigned to his case until the day of the preliminary hearing. It is not surprising, then, to find that Sam does not feel he received much help from this source. Sam feels that meeting the prosecutor prior to court would have been helpful because it would have provided Sam the opportunity to get to know him.

Sam credits his parents with trying to help prepare him for court, though it's clear from the following statement that their help often came at the wrong times: "They keep on asking me (about his feelings and issues related to court), doing it for ten minutes when I want to do something else (e.g., skating)...and it doesn't get done." Sam's mother, Betty, also shared with him what she had learned about going to court as a result of her involvement in her parent's divorce. She described the court setting to him, explained who each of the courtroom characters (i.e., judge, lawyers, court clerk, stenographer) would be and what their functions are, and also briefly discussed with him the procedure of being sworn in. Betty feels that she was limited by her own knowledge and so was able to enlighten Sam as to "just the physical aspect" of the court experience.

Sam recalls several aspects of the preliminary hearing which he found unsettling. His grandfather's presence in the courtroom was particularly disturbing for Sam. While he appreciates that "Grandpa's s'posed to be there", Sam admits that it would have been easier for him to testify if his grandfather had not been present. Seeing his grandfather caused Sam to feel both nervous and angry. Sam's nervousness stemmed from his notion that his grandfather, with the aid of his lawyer, would be able to show that Sam was lying, and further, that Sam, not his grandfather, was the guilty party. It is felt that Sam's misconception that he would be punished if he were shown to be guilty likely intensified his stress. Sam clearly expressed his fear when he said, "I don't want to be called like 'liar, liar' and tooken away from my home."

Sam's fear was reinforced and his anger aroused by something he saw his grandfather do in the courtroom. As Sam described it, "He (Grandpa) looked back at my Dad and smiles...like he's going to get away with it." Sam's spontaneous inclusion of this information suggests that his grandfather's action affected him deeply. It is obvious from other of his statements that Sam still fears the power his grandfather may wield in the courtroom. With regard to the upcoming trial, Sam indicated that "the most important thing" to him is to prove that he didn't lie about his grandfather's abuse. In fact, Sam suggested a rather extreme alternate method of proving his grandfather's guilt which, to his mind, would allow him to forgo the experience of going to court. His solution would be to offer himself up as a guinea pig in the hopes of catching his grandfather in the act. In his own words, "...just go there (his grandfather's home) one time and he starts it up, people are out in front watching it and a person takes a...you know, one of those secret cameras...those film cameras. Just film it and take a picture, you know, those cameras what take pictures without no flash?...One of those and there you go. They would have called him guilty right there and I wouldn't have to go to court."

Sam is experiencing confused feelings about seeing his grandfather again at the upcoming trial. His last encounter with "Grandpa" was at the preliminary hearing, and the fear and anger Sam felt at that time are still vivid in his memory.

Sam feels it is right that his grandfather got charged for what he did, and he hopes that his grandfather will be found guilty. Should this outcome not come to pass, Sam anticipates that he will be "quite mad" and will "probably cry." Sam noted his concern that "if Grandpa gets off the hook he [will] keep on going on with that same stuff"; that is, if his grandfather is not made to get help, he may hurt other people, too.

Sam has been led to believe that if his grandfather is proven guilty, he will either be sent to jail or to a "special hospital." This idea has apparently come from his parents, who are divided on the issue. Sam, though as yet undecided, leans toward his mother's perspective, as he demonstrates with this comment: "Like my Mom wants him to go into a special hospital. My Dad wants to put him into jail...for life. And I don't know what I want to put him in, really. Like I really don't know. I'm still choosing, but I think a special hospital is more better...'cause he can like do more stuff. Like, it helps him out more better than going to jail."

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Sam was accompanied to his grandfather's trial by his mother, his father and his therapist. Sam's father, Rick, observed that Sam was nervous while testifying, but "he did it (a good job) for all of us." Sam's grandfather was found guilty and was sentenced to nine months in prison followed by a one year probation period. One condition of the probation order states that Sam's grandfather must seek psychiatric treatment. If Sam's grandfather fails to comply with the conditions of the probation order, he is liable to a maximum of ten years in prison.

TANIA

Tania was 13 years old when she was interviewed five days prior to the preliminary hearing. Tania is the oldest of four children. She had, until the time of her disclosure, been living at home with her natural parents and her brothers. Neither of Tania's parents were employed and the family was on social assistance. Tania's father had not worked for over eight months; he was dismissed from his last job after having been found responsible for a fire which occurred at his workplace. Tania described her father as very unreliable and unreasonable. She noted that he had a drinking problem and was both physically and emotionally abusive to herself and other family members.

Tania was sexually victimized by her natural father from the time she was five years old. The abuse, which included cunnilingus, fellatio and fondling, continued until she was ten years of age. On January 28, 1985, Tania disclosed her abused past to a girlfriend. Tania's disclosure was prompted by her mother's entering hospital to give birth to Tania's youngest brother. This event left Tania feeling extremely vulnerable to her father as he had last abused her when her second youngest brother was born three years before. As Tania perceived it, "Dad wanted me 'cause Mom couldn't have sex 'cause she was pregnant and then in hospital."

Tania's friend, Toni, immediately shared Tania's story with her mother who, in turn, reported the matter to the Crisis Unit. A Child Welfare investigator was assigned to the case and he contacted the police. The following day two regular duty constables were dispatched to investigate the report they had received. They, along with the Child Welfare investigator, met with Tania at her school, then they took her downtown to police headquarters where she was asked to give a statement. The report of the initial investigation was subsequently forwarded to the Sex Crimes/Child Abuse Unit of the Edmonton City Police and the case was reassigned to a detective from this specialized unit. The following day, Tania's father was charged with one count each of sexual assault, indecent assault and gross indecency.

Following her initial interview with the police, Tania was apprehended by the Child Welfare investigator and placed in a foster home. Although it is now Child Welfare policy to remove the alleged offender from the ome instead of the abused child, alternate arrangements are made for the child when the non-offending parent is deemed unsupportive. Such was the case in this situation. When interviewed, Tania's mother quickly allied herself with her husband and claimed that Tania was lying, out of anger, because she had been grounded by her father. Both of Tania's parents suggested that Tania had made up the story based on what she had seen on the blue movies which were frequently shown in their home.

Tania was completely taken by surprise by the events which occurred on the day she was apprehended. To begin with, she felt uncomfortable with the attention she drew by being taken away from the school by two policemen. Tania claims that, "The next day in school everybody said, 'How come you were in a police car?'" Being taken down to the police station to give her statement was also a new experience for Tania: "It wasn't like, uh, I felt like I did something wrong because, like, those rooms, they sometimes lock doors, but the doors weren't locked. I just felt like I was in jail or something like that." Tania was unhappy about the arrangements made to place her in a foster home. She said she "didn't want to [go]. I wanted to go to a friend's house for the night because, like, all my friends' parents care about me, so that means they would take me for the night."

As it turned out, Tania remained in foster care for over five months. Her parents, particularly her mother, denounced Tania as a liar to family and friends. With the exception of one aunt from Wildwood and an aunt and uncle from B.C., Tania has been completely ostracized by her family. Tania's mother made it clear early on that Tania would never be allowed back home if Tania's father went to jail. At the time of our interview, her mother still refused to even let Tania see her new baby brother who was born at the time of Tania's disclosure.

Tania was upset by her mother's reaction to her disclosure. It made Tania feel guilty for having broken up the family. She wishes that her mother would support her, but she feels that her mother would rather give up her kids than her husband. Tania believes that her mother sides with her father because she needs his money, more so than ever since their baby was born with spina bifida. Tania recognizes that her mother is very dependent on her father and perceives that her mother would put up with a lot from him because she can't fend for herself..."she can't even spell." Still, Tania feels that were she her mother, she would respond to this situation by believing her daughter and kicking the offender out of the house.

Tania feels her mother is pressuring her to change her story, but Tania steadfastly maintains that it is the truth and she is standing by it. Ironically, Tania credits her parents for instilling this attitude in her and her brothers.

She said that her mother always taught them to "stick by their beliefs", and her father often said, "go do what you believe in, no matter how hard someone tries to stop you doing it."

Tania doesn't want to go to court, but has been told by her foster mother that she has no choice in the matter. Tania is angry as she feels she was deceived by the Child Welfare investigator regarding the matter of court. When asked if she had been told at the time of the initial investigation that she would probably have to go to court, Tania replied, "No, the social worker told me that I wouldn't have to go to court. 'No matter what, you don't have to go to court if you don't want to.' I guess he lied to me. And here I'm all happy 'cause I don't have to go to court, and them some lady comes and gives me a subpoena to court." Tania received her first subpoena "about the last week of February." Tania described her reaction to this unexpected event: "Yea, well, the first day that she came and served it, right, I got really mad. The next day I went to school, I kicked the fences and I kicked everything because I was so mad. I couldn't go to sleep that night because of it."

Tania's first subpoena indicated that the preliminary hearing was scheduled for March 19, 1985. Unfortunately for Tania, this was an error. Tania and her social worker went to the courthouse that day only to be informed that the hearing was now set for one month hence. Understandably, this delay was a disappointment for Tania, particularly so given the pressure which her family was exerting on her to recant. She recalled her reaction to the error: "Well, I wanted to get it (the hearing) over and done with and forget about it, but I was just saying, 'Oh God, I have another month to wait.'"

Tania feels scared about going to court; she is especially frightened by the thought of seeing her parents. While she is hopeful that her father will change his plea to guilty so that she won't have to testify, Tania admits that such a turn of events is unlikely. She perceives that her father is reluctant to plead guilty because "...he thinks that if he testifies to being guilty, he will lose everybody, his family, everybody he loved." Tania has also entertained the thought that her father's changing his plea might prove to her mother that she didn't lie. She is skeptical, however, that her mother can ever accept the truth about the abuse. She forsees that her mother would just as likely interpret her husband's admission of guilt as an effort to protect Tania. Conversely, Tania has contemplated the possible negative repercussions of her father pleading guilty. She is worried that if her father pled guilty her mother might have a very strong reaction, the brunt of which her brothers would be made to bear: "Well, I'm just scared that my Mom's going to get so mad that, if my Dad does plead guilty, my Mom's going to say, 'OK, that's it!', leave [my brothers], and take off. You know, because my Dad did it (separated from the family), well, why not my Mom?"

Tania does not want her father to go to jail. She only wants him to be found guilty so that he will be made to get some help. As she described it, her father needs counselling "to tighten the loose screws in his head." In spite of all the sacrifices Tania feels she has been made to suffer subsequent to her disclosure, she believes that were she faced with the same situation, she would tell on her father again so that "...he can get help. That's what he needs." Tania is concerned that her father will "do it again, or [sexually abuse] somebody else this time" if he is found to be innocent.

Tania had never been to court before. What little information she did have about the physical layout of a courtroom and the court routine was provided her by her counsellor at the Group 5 Youth Counselling Centre. The detective who investigated the case spoke with Tania about what it means to perjure oneself and gave her a copy of her statement to review. This meeting took place in mid-February, a few weeks prior to the March 19th date for which the preliminary hearing was originally mis-scheduled. Tania received no other assistance from the police in preparing for court. Tania's social worker accompanied her to court and took her into an empty courtroom on the day of the hearing. Tania was not contacted by the Crown Prosecutor assigned to the case prior to court, and she spent only a few minutes with her before the hearing began. Tania expressed her view that it would have been helpful to meet with the Crown Prosecutor in advance of court day so that she would "know who is on my side."

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Tania went to the courthouse in the company of her social worker, her two counsellors from Group 5 Youth Counselling Centre, and her Aunt Sheila, who drove in from out of town to be with Tania. Tania was met at the courthouse by a group of unfriendly relatives and family friends which was headed up by Tania's mother. Although efforts were made by Tania and her supporters to minimize her exposure to these people, Tania's mother sought her out and again accused Tania of lying about the sexual abuse. Tania requested and was granted permission to have the courtroom closed to all onlookers. Tania's lawyer later said that Tania did a good job of testifying. The judge deemed that there was sufficient evidence to bind the case over for trial.

THERESA

Theresa was interviewed on April 1st, 1985, the day prior to her scheduled appearance in court. She was thirteen years old at the time of the interview and she was living at home with her mother and father and her older brother, Arnold. Theresa was in grade six and was attending a special program for learning disabled children.

Theresa has been sexually abused by four different males in the course of her life. Three of her abusers have been relatives and the fourth was a total stranger. She was involved in proceedings against an uncle by marriage at the time she participated in this study. He abused Theresa over a five year period; whenever she slept over at her aunt and uncle's house, he would awaken her in the middle of the night to fondle her and force her to engage in mutual masturbation.

Theresa first disclosed the abuse to her uncle's wife, Susan, during the Christmas (1984) holiday. Three days later, Susan contacted the police and told them Theresa's story. Theresa subsequently told her Aunt Valerie and her parents. According to Theresa, the uncle who had abused her "turned himself in and lied about most of it." He has been in jail since that time.

Theresa says she has had extensive contact with the R.C.M.P. constable who was assigned to her case. She claims that she has met with him on ten or eleven occasions, the last time being on Easter Sunday when he brought her a copy of her statement. Theresa described the constable as "good", but did not consider him to have been very helpful, even though he reportedly helped her to "get my thoughts back and quit worrying about [my uncle] and stuff like that."

Theresa reports that she was made aware that she would have to go to court at the time she gave her statement. Theresa credited Lynn, her Child Welfare worker, with "helping me feel better, feel better about going to court and stuff like that", but she was unable to describe the manner in which

Lynn provided this assistance. Theresa has seen Lynn twice since the time of her disclosure.

Theresa indicated that her Aunt Valerie, who is a social worker, has also been very supportive of her throughout this experience. Aunt Susan, who initially believed Theresa enough to report the matter to the R.C.M.P., has now switched her allegiance to her husband. Theresa's friends do not know that she is going to court, so they are not a resource for her.

It is difficult to determine how much support Theresa has been given by members of her immediate family. Her father has openly expressed his disbelief in Theresa's allegations, and it is tempting to interpret her parents' refusal to bring Theresa in regularly for her counselling appointments as a lack of concern for the situation. Theresa's perception of their position fails to add any clarity to the matter. She claims that nobody at home talks about going to court. Theresa says she has tried to bring the matter up for discussion with her parents, but "every time I try talking to them, they yell at me." Theresa has noticed that her parents have been yelling at her more for the past week, and she concludes that it's "probably [because] of going to court." Perhaps as a result of their reactions, Theresa has concluded that, except for her mother's advice on what she should wear, her family can do nothing to help her prepare for being a witness. Her brother, Arnold, knows that she is going to court, but he does not know why as his parents have kept the details from him. According to Theresa, the reason for this secrecy is that Arnold, himself, was recently found guilty of sexually assaulting one of Theresa's girlfriends.

Interestingly, Arnold has unwittingly helped Theresa to feel more confident about going to court. Theresa was required to testify at Arnold's trial earlier in the year, and she attributes her current self-assuredness to this past experience. While she doesn't remember having been prepared for her previous court appearances (she also went to court to testify against the stranger who abused her, but he apparently changed his plea to guilty at the last moment), Theresa feels that she doesn't need any help this time around "'cause [she] know[s] what to do."

Although Theresa states she doesn't have any feelings about going to court at the moment, she anticipates that the experience will be "scary until I get used to it (the courtroom)." Several of the behavioral changes which Theresa has demonstrated would suggest that having to go to court has had a much greater effect on her than she is able or willing to acknowledge. Theresa revealed that she has been "hard to go to sleep" since the time of her disclosure, and that her temper has steadily gotten worse as court day approaches. She admits that her biggest worry at the moment is "court coming up in the morning." Theresa's main concern regarding court is seeing her uncle again. She indicated that the mere thought of that experience makes her feel sick. Theresa fears that her uncle will "look a face" at her to make her feel scared.

Theresa said that her uncle has warned her to "lie, or else", but she intends to ignore his threats: "All I'm gonna say is the truth, nothin' but the truth." Still, she would find it easier to testify if her uncle were not in the courtroom. She is worried that he may try to unnerve her by giving her dirty looks. However, while Theresa clearly would prefer it if her uncle were absent during her testimony, she is eager to be present when he testifies. She explained that this was "'cause then I can hear what he's saying ... then I can tell if he's lying or not." The implication here is that Theresa fears her uncle will discredit her by accusing her of lying.

Theresa said that nobody knows that she is frightened about going to court except her school counsellor, her counsellor at Group 5 Youth Counselling Centre, and myself. Theresa has been seeing her school counsellor one to two times a week to help her deal with some of the problems she is experiencing at school (e.g., her temper, her hygiene, her socially inappropriate behaviors). She found that discussing the issue of court with her school counsellor made her "feel good."

The therapist Theresa sees at Group 5 Youth Counselling Centre has also been working with her on issues related to her upcoming court experience. In addition to helping Theresa examine her feelings about the situation, her therapist has been doing some preparation with Theresa in the form of mock trials. Theresa feels that these rehearsals have been helpful.

This may be the only assistance Theresa will get prior to tomorrow's hearing. She has not yet met with the Crown Prosecutor in her case, but she believes that she will be represented by the same man who acted for Arnold. This belief may be a product of wishful thinking, as Theresa is under the impression that this same lawyer used to be a judge who "put [her uncle] into jail" for some other crime he committed.

In terms of self-preparation, Theresa plans to "read my statement over and over and over and over and over fifteen times...until I get used to it." She could think of nothing which could be done to help her deal with the "scary" part of going to court (i.e., getting used to the courtroom, being on the stand and answering questions).

Theresa is hopeful that her uncle will "go to jail...and never come out." And even though she wishes now that she did not have to go to court, Theresa is solid in her conviction that, even knowing what she knows now, she would do it all again were history to repeat itself: "I would take him to court. I would tell him, 'If you come around me again, or do anything with me again, I'll kill you.'" Theresa accurately perceives that her parents also hope for the same outcome. Theresa's father has indicated, however, that he wants his brother-in-law imprisoned for his sister's sake, not his daughter's. Theresa's Aunt Susan has reportedly endured many years of physical and emotional abuse at the hands of her husband.

Theresa anticipates that should court go as she hopes, she will be "happy", "carefree", and her temper problem will improve.

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Theresa was well-supported in her trip to court. Accompanying her were her mother and father, her Aunt Valerie and husband, and her two counsellors from Group 5 Youth Counselling Centre. Theresa sat in anticipation of having to testify for close to an hour before she and her family were given word that her uncle had changed his plea to guilty. His sentence is not known.

CARLENE

Carlene was sexually abused by her natural father, Ralph, from the time she was five until she was eight years of age. Carlene's parents were divorced and the abuse began when Carlene and her older brother, Robert, visited with their father. When Carlene was six her father got custody of both Robert and herself and the abuse became more frequent. The abuse included fondling, mutual masturbation and fellatio; Robert was witness to the abuse on more than one occasion. When she was eight, Ralph decided that Carlene was too difficult to control and gave her back to her mother, Diane. While Ralph initially refused to let Robert return to his mother's care, Ralph abandoned him shortly thereafter and Diane was able to regain custody. A restraining order was brought against Ralph at that time because he began to harrass Diane and the children.

Both Ralph and Robert cautioned Carlene against telling Diane what Ralph had done to her. Ralph threatened that he would kill her if she said anything, and Robert prophesied that Diane would beat her up if she found out. Carlene remained silent for three years. Diane found out about the abuse very much by accident. When Carlene was eleven, Diane overheard Robert attempting to blackmail Carlene into engaging in sexual activities with him. Diane interceded and pressed Carlene for an explanation; reluctantly, Carlene related the whole story.

Diane was very supportive of Carlene following her disclosure, and immediately contacted Alberta Mental Health Services to arrange for Carlene to receive counselling. The abuse was apparently not reported to the police at that time.

Carlene's involvement with Alberta Mental Health Services was reportedly short-lived and not very successful. Diane attributes this lack of success to Carlene's adeptness at manipulating her counsellors. After three tumultuous years, Diane and Carlene were referred to Group 5 Youth Counselling Centre for counselling. Diane described her family as being "completely broken down" when she first contacted this agency. The abuse was reported to the police and to Social Services at this time.

Carlene was interviewed just two days before the preliminary hearing of her case. She was fifteen years old then and living at home with her mother, her mother's common-law husband, Karl, and Robert. Carlene emphasized the impact of the upcoming trial on the family and described the lack of support she feels from this source: "My Mom and Karl have gotten closer. Same with Robert. Everybody seems to be supporting her (Carlene's mother has also been subpoenaed to testify), but nobody seems to be supporting me." Carlene rated current family closeness at 0 on a ten-point scale, but qualified this by saying that "Mom, Karl and Robert are close. I'm kinda left out."

Carlene has never gotten along well with Karl and she makes no secret of the fact that she dislikes him. However, she is particularly frustrated and angered by what she perceives to be his "court's no big deal" attitude.

With her fingers crossed for emphasis, Carlene indicated that, as children, she and Robert used to be "the closest two you could ever find of brother and sister." Since their return to their mother, however, Robert has become very abusive toward Carlene. Carlene claims that "he's always hurting me...and he seems to put so much hate toward me." In addition to the physical abuse, Robert verbally and emotionally abuses Carlene by referring to her in harsh and crude terms (e.g., slut). Yet, while he "hasn't really said anything" about the upcoming trial, Carlene believes that Robert does care about her, but can't show his concern because he is caught up in playing the "I Hate My Sister role." Carlene knows that Robert wants Ralph to go to jail "because of what he did to Mom", and she assumes that Robert is supportive of her because she's "the only one that can put him (Ralph) away." While Carlene noted that Robert has been a little nicer to her of late, she wishes that he would demonstrate his support for her more openly.

Carlene has seen a dramatic change in her mother's attitude over the past few weeks and she attributes this to the impending trial. Carlene describes Diane as "plain old simple Oscar the Grouch" and says that "she's been really bitter lately, and she yells at me every chance she gets. I'm too scared to go and sit down and talk with her. She won't hug me or anything." Carlene noted that "my Mom and I used to be close before the subpoenas came. Now we're starting to drift because...I think she's blaming this all on me. Once she even said, 'You lied. I think you lied about all of this.'" Carlene observed that they've become especially distant "ever since I tried to commit suicide those two times. I think that really got her going. She calls me retarded all the time."

Not surprisingly, Carlene feels that her mother has been totally unsupportive of her throughout this experience. Diane, who endured severe physical and emotional abuse at the hands of her ex-husband, is extremely anxious about seeing Ralph again and may be unable to look far beyond her own needs under these circumstances.

Carlene thinks that her mother would describe her as "obnoxious, mouthy, just plain bad...or the way to put it - juvenile delinquent." Carlene feels that her mother is mad at her and, unfairly, holds her responsible for "hurting her with this court case." Carlene reacts to this situation in retaliation by acting out, engaging in behaviors which serve to put even more distance between she and her mother: "I'm starting to hate her more...because she's been really bitter and that. Not really hate, but just [be] rebellious against." Diane responds, in turn, by threatening to call Child Welfare to have Carlene removed from home.

Carlene knows that Diane is worried about the trial. So is Carlene. All Carlene can think about at the moment is Monday afternoon and the preliminary hearing. Her anxiety has pervaded many areas of her life, as is evidenced by her self-reports of decreased school performance, diminished capacity for attention and concentration, erratic appetite, disturbed sleep, disrupted familial and peer relationships, depression, and two recent suicide attempts. Carlene concluded that her life is "being ruined by all this garbage."

Carlene has few people with whom she feels she can share her feelings regarding this situation. Carlene feels that on the homefront only Ted, a boarder and Carlene's sometimes boyfriend, knows or cares about how she is feeling. Several of her friends know that she is going to court, but only her best friend, Sarah, knows why. Sarah has helped Carlene to deal with some of the pressure she has been feeling. Carlene especially appreciates that Sarah is able to see through her attempts to cover up her depression, and that she is there for her whenever she needs to talk.

Carlene has also spoken to Victoria, her counsellor at Group 5 Youth Counselling Centre, about going to court. Carlene finds such discussions frightening because they make her face up to the reality of the situation, yet she feels "it helps to get some of it out, 'cause it's just going to build up and build up and one day it'll blow."

Carlene is scared about going to court, and right now she really doesn't want to go. She has pondered the ways in which she could forgo this experience; her list includes getting sick, committing suicide or having a bomb land on the courthouse before her court date. Carlene wishes that her mother would have met someone other than Ralph so that none of the bad things would have happened and she would not be faced with having to testify in court.

Carlene is frightened by many aspects of what she envisions the court experience will be. Her biggest concern is having to face her father. Carlene fears that "he'll deny everything...he'll deny it and then I'll end up getting stuck somewhere." She explained that she is worried that Ralph, with his lawyer's help, will be able to make it look like she either brought the abuse on herself or that she lied about the whole thing.

Carlene has mixed feelings about seeing her father again, but her initial reaction was one of fear: "[I'm] scared!...out of my wits. Just seeing his ugly face again. Ugh! It's going to scare me." While she hasn't had any recent contact with Ralph, Carlene imagines him to be extremely angry at her for the charges which have been brought against him; angry enough, she fears, to want to "kill the little bitch." Carlene recognizes that a small part of her looks forward to meeting with her father again so that she can "show him what he's missing. Like, if he would have been a good father, he could have watched his kids grow up."

Carlene also expressed concern about others being allowed to hear her story. This worry extends even to the jury, as Carlene has contemplated the possibility of encountering a familiar face among the jurors. Understandably, Carlene would prefer that the courtroom be closed to all but those directly involved. She would, however, request that a female friend or companion be present to provide her with support.

Carlene is not looking forward to recounting the details of her abuse again, regardless of who will be in the courtroom. She is open to having questions asked of her, but feels that her statement should be referred to when information is required regarding the specifics of the abuse. In her words, "Well, they can ask me questions, but don't make me say everything that happened again. I'm sick of it! Like how many times have I told the same stories over and over." Carlene added that having to repeat their story is "not fair to a kid because it just keeps runnin' in and out of their head. It's (going to court) supposed to cure the problem, not continue it."

Carlene has had no prior court experience and what little she does know of court procedure and the judicial process she has learned at school and from the television. Her counsellor, Victoria, has also primed her on some of the things she may encounter as a witness and how to deal with these. Other than this, Carlene has not been helped to prepare for her day in court. She has not met with the Crown Prosecutor and no arrangements have yet been made for such a meeting to take place prior to the hearing. Carlene states that the police have not been of much more assistance to her than the Crown Prosecutor. She met with them in November when she gave her statement, and she has seen them only once since that time when they served her with her subpoena in mid-January.

Carlene feels that the police and the Crown Prosecutor could have helped her to prepare for court by "telling me what's going to happen...like, how everything's going to work." She would also find it comforting to be apprised in advance of the questions she can expect to be asked. Similarly, Carlene believes that her family could be more helpful: "They could be a little easier on me. Quit bitchin' at me all the time...They could understand a little bit more...support me, you know, like, notice when I'm scared or worried or something."

Carlene is worried about being a good witness. Currently, she rates herself at 3/10 on a scale of witness ability. She fears that "what I'm going to do is, like, I'll get really scared and I'll end up clamming right up. Like when I'm really scared, I will not talk...'cause, like, I shake, right? And, like, you can hear my voice because my voice shakes too, right? Like, I probably won't just say anything. I'll probably burst into tears...get hysterical." Carlene feels that she will do a better job if, prior to court, she is able to deal with her fear of having her father watch her while she is on the witness stand. She half-jokingly recommended "put[ting] a paper bag over his head" as a suitable solution to this problem.

The prospect of meeting with her father again has raised many emotions for Carlene. The fear and hatred which were generated in reaction to Ralph's violent and unpredictable behavior still dominate Carlene's field of vision. Last night, however, the "weird" thought occurred to her that she still feels love for her father. Carlene's confusion is reflected in her hopes for the outcome of the trial. For the most part she is eager to see her father incarcerated as just punishment for the wrong he has done to her and her family. Given Ralph's violent nature, Carlene is fearful that he may seek retribution should he be acquitted. She feels that both she and her mother could be in real danger if he is allowed to go free. In reference to herself, Carlene predicted: "If they let him go, he'll come after me...kill me. He would, too. He's just that type...psychopath." In addition to her concerns about the safety of her family, Carlene fears for the well-being of other children with whom Ralph may have contact: "Well, they'll just stick 'im away for eight months or something. Maybe they won't even. It's over. He's out to do it again!" The loving feelings which Carlene has newly rediscovered have complicated this situation in that she anticipates she will "feel so guilty" if Ralph goes to jail. Carlene has even contemplated the possibility that she may be able to resolve her feelings for her father by forgiving him for the pain he has caused her.

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Carlene and her mother were accompanied to court by their counsellors from Group 5 Youth Counselling Centre. Both Carlene and Diane were extremely anxious about testifying. The female Crown

Prosecutor who was assigned to represent Carlene spent a few minutes with her prior to the start of the hearing. The judge dismissed the case against Ralph, citing minor discrepancies between Diane and Carlene's accounts as the basis for his decision.

HANNAH

Hannah was in treatment for the sexual abuse she had suffered at the hands of her natural father when she disclosed to her counsellor that her two older brothers, Tom and Ben, had been victimizing her since their father was incarcerated. Only Hannah's oldest brother, Tom, was charged, and I spoke with Hannah ten days prior to his preliminary hearing. Hannah was 13 years old at that time. She was living at home with her mother and her brother, Ben; at the insistence of the Child Welfare worker, Tom had moved out of the family home immediately following Hannah's disclosure.

Hannah has never been to court before and she is worried about having to go now. Several things concern Hannah about her upcoming court experience. Firstly, she doesn't want to have to repeat her story in front of her brother: "I don't want to say my statement. Like, I want to write it down on paper and let [Tom's defence lawyer] read it and the other guy, the judge." Even though Tom knows exactly what Hannah is going to say, she fears that he may react badly to actually hearing her describe his offensive behavior: "He's older than me and if he sort of doesn't like something, he'll, he sometimes gets a little carried away and beats us." A second concern for Hannah is her fear that Tom may follow in his father's footsteps and reoffend if he is not dealt with properly at this point in time: "Um, I hear that Tom's got a real good, um, lawyer, so I'm afraid that if I lose and my brother will get off and win, he'll think, 'Well, that was easy, so I can go and do it again.'"

This is a very awkward situation and Hannah is faced with having to reconcile the many different emotions she is experiencing because of it. Her confusion is clearly conveyed in her response to a question which asked what she hopes will be the outcome of the trial: "Um...I hope I win, but I hope that Tom wins, too." Tom is Hannah's favorite brother, and he has stood as a surrogate father to her since their father was imprisoned. She loves her brother dearly and from this love comes her concern and her desire to help him. She thinks that Tom needs help and "if he doesn't get it, he's probably going to get worser and worser." Unfortunately, Tom doesn't agree with Hannah's analysis of the situation, and her efforts have only served to push him away. Hannah feels that she and Tom are not as close as they used to be. She thinks that "Tom knows that I'm tryin' to help him, but he's mad because I'm helping him sort of the wrong way."

Tom has agreed with Hannah's account of the sexual abuse, but is unwilling to plead guilty because his lawyer has convinced him that his behavior was not illegal. Drawing from her past experience with her father, Hannah is worried that Tom won't learn any lessons if he gets off on the charges against him. And while her main motive in following through with the court case is to secure appropriate treatment for her brother, she also feels it would be fair and just for him to experience jail for "maybe a week or two." Hannah is generous in her desire to spare Tom major life disruptions (i.e., loss of jobs) while he serves any punishment he may be given.

If alternate arrangements could be made for Tom to receive treatment, Hannah would not go to court. She is afraid of her upcoming court appearance. Hannah anticipates that Tom is going to be very angry with her, and her fear of how he might express that anger makes her want to forgo their meeting in court. Her worst fear is of being called a liar, of "Tom standing up and sort of yelling at me, 'Wasn't true' or something." She is also concerned that, in his anger, he might harm her physically.

Hannah is intimidated by other of the expectations she has of her impending court experience. She is fearful that her name will be published in the newspaper and everyone will find out what happened. She is also anxious about how Tom's lawyer will treat her. She fears that he will try to make her look bad by cutting her off after he's heard only what he wants to hear.

Hannah feels that the emotional strain of having to go to court has affected several areas of her life. With regard to her school performance, Hannah noted that "sometimes I blank out and sort of just think of court day and what's going to happen. And I just don't do my work sometimes." She has noticed that she is less energetic and somewhat socially withdrawn: "Um, somedays my friends see it in me, like I don't feel like doing anything; I'm not as much fun and I can't tell them [why]...I don't really feel like doing much anymore. Like, I used to play badminton all the time and go out and play volleyball. I haven't really been feeling like doing that much lately." Hannah doesn't feel that the strength of her peer relationships has suffered, and she observed that the friends who do know of court have not reacted to it in any obvious manner. Hannah perceives that her family has grown apart as a result of the court case: "Well, um, everybody's sort of in between me and Tom because they don't really know who to choose or vote for. It's kind of like an election. There's two really good presidents."

Upon closer examination it becomes apparent that Hannah's mother, Beatrice, is the main person to whom Hannah is referring when she says that "everybody's sort of in between me and Tom." Ben, Hannah's other brother, hasn't had a reaction to the situation as far as Hannah can tell. But Beatrice has changed noticeably. Hannah stated that "some days she's a little grumpy and some days she's really out (down)...and she doesn't really want to talk about anything." Hannah feels that her mother's moods can be explained by the fact that "she's the mother of both of us kids and she doesn't know who to cheer for...Mom's wishing the best for both of us."

Hannah claims that she has not been affected by her mother's reaction to this situation, but one of her other comments suggests a different picture. While Beatrice has long been both confidante and consultant to Hannah, Hannah finds it difficult to share her feelings about the court case with her: "Well, if I talk about [court with Mom], I'm afraid I'm going to, like, scare her off and then she'll be more afraid of my scared feelings." It appears that Beatrice, who is Hannah's only source of familial support, is not a good resource for Hannah under these circumstances.

Hannah has dealt with her feelings about court in a variety of other ways. She has spoken to one of her friends about going to court, and has participated in several group therapy discussions on the topic. She has also found that talking to her Glob (a brightly colored acrylic rock) and writing her feelings down on paper help her to put the situation in better perspective.

With regard to court preparation, Hannah indicated that only her counsellors and fellow group therapy members have been of help to her in preparing for her upcoming court appearance. Those girls in Hannah's therapy group who have been to court recounted their experiences and imparted some advice to Hannah, her counsellors drew a picture of a typical courtroom setting, described the courtroom personnel and told her about usual court routine, and the whole group participated in a mock trial for Hannah's benefit.

Hannah said she has received no assistance from either the RCMP or the Child Welfare worker. While the Child Welfare worker has been in regular communication with the family, Hannah states that none of these contacts have been for the purpose of helping prepare her for court. The Child Welfare worker has offered Hannah support, however, by promising to accompany her to court. Hannah has seen the RCMP constable who was assigned to the case on two occasions - the first time when she gave her statement in November, and then again in April when he introduced Hannah and Beatrice to the Crown Prosecutor, who met with them at the RCMP detachment.

Hannah was the only child in this study who was given the opportunity to meet with a Crown Prosecutor in advance of the court date. Hannah's Crown Prosecutor met with her two weeks prior to the preliminary hearing, and although it was a brief meeting, Hannah felt it was helpful. She found it reassuring when the Crown Prosecutor "sort of warned me what it's going to be like and [said] he's put a lot of kids through before me." He also reportedly told Hannah that "there's nothing really to be afraid of", but Hannah said she was not convinced by this effort to reduce her anxiety. The Crown

Prosecutor arranged to spend time with Hannah again on the day of the hearing.

Hannah suggested that child witnesses might be better prepared for court by sitting through another court case prior to their own. She feels that such preparation would be helpful because it would let children who are facing a court appearance "know what they're in for." She agreed that talking to child witnesses about their impending court experience and accompanying them to court are two important ways in which professionals can be of help to children in this situation. Hannah also recommended that it would be easier for child victims to testify if their offenders were not present in the courtroom.

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Hannah went to court in the company of her mother, her Child Welfare worker and her counsellor from Group 5 Youth Counselling Centre. Beatrice's divided loyalties were evidenced even on the day of the trial by the fact that she drove both Tom and Hannah to the courthouse. Tom received a suspended sentence with a condition that he obtain counselling.

Comparative Analysis

1. What is the most difficult thing about going to court from the perspectives of these children?

Sam: For Sam the most difficult thing about going to court is his fear of being "called guilty", of being shown to be a liar by his grandfather: "Like, they might call me, they might call me that it was just a made up story and Grandpa gets off the hook and he keeps on going on with that same stuff."

Tania: Tania is fearful of seeing both her father (her abuser) and her mother. Tania's mother has been very unsupportive of Tania since her disclosure of the abuse, and Tania anticipates that her mother will try to cause trouble for her at the courthouse: "I don't want to go to court...I'm angry because the social worker said I wouldn't have to go, but then I have to go. And I'm scared that my Mom might be there...I don't want to look at my Dad...[The prospect of seeing Dad] is kinda scary...because sometimes he can look at you and, like, give you a dirty look, and you know you are in trouble."

Theresa: Theresa has been to court before and knows that "sometimes it's (the experience of testifying) scary until I get used to it." On this occasion, Theresa is concerned that her uncle, the man who abused her, may be able to unnerve her in the courtroom: "[He] might make me feel scary, or, um, might make me scared or something...Like he might make...look a face (a dirty face) at me...and make me feel scared."

Carlene: "Facing him (her father)...'cause I know that he'll deny everything." Carlene is worried that her father will be able to make her look like a liar.

Hannah: Hannah simply stated that she is "scared" about going to court. She has many concerns about her upcoming court appearance, the biggest of which is her fear that everyone will find out about the abuse if her name is published in the newspaper. Hannah is also worried about her brother Tom's behavior in the courtroom. Hannah fears that Tom, with assistance from his lawyer, will make her out to be a liar, or worse, will try to make it look like she initiated the sexual interaction which occurred between them. Hannah is also concerned about Tom's reaction to hearing her testify. She anticipates that he may become very angry when he hears her tell her story, and she worries that he may harm her.

2. What kind of assistance did these children receive in preparing to go to court? From what sources did this help come?

Sam: Sam has already been through the preliminary hearing in his case and is awaiting his grandfather's trial. He credits his parents and the investigating detective with having helped prepare him for court (preliminary hearing). His mother and father asked him questions like those he might be asked in court, and encouraged him to share his feelings about having to go to court with them. Sam observed that talking to his mother and father "helps a lot...I don't know [how], but I feel a little bit more better." Although Sam has not yet had any contact with the investigating detective in preparation for the upcoming trial, he claims that the detective was "pretty good to [him]" prior to the preliminary hearing: "He helped me out like what to s..., some things, like he wanted to know what all happened. [He also provided assistance by] like, finding out anything, like anything's been changed or anything." Sam reports that the detective showed him around a courtroom and described some of the procedure and courtroom personnel to him before the preliminary hearing commenced. Sam noted that having this information didn't eradicate his anxiety about testifying as "at first I was a little bit scared." In retrospect, however, he feels that it was better to have this knowledge than not. According to Sam's parents, Sam's therapist also helped him prepare for his court experience by talking to him about his feelings about court and having him do exercises, such as drawing a picture depicting his conceptualization of a courtroom.

Tania: Tania feels that only Victoria, her counsellor at Group 5 Youth Counselling Centre, offered her any assistance in preparing for court. Victoria drew a picture of a courtroom for Tania and shared with her some information regarding courtroom procedure and how to conduct herself on the witness stand. Tania says she has spoken of her feelings about going to court with her friends and the other girls in her therapy group. In addition, fellow group members, who have themselves been to court, have offered Tania advice based on their own experiences. Tania noted that the police have done nothing other than to ask her to write out statements and to discuss the meaning of perjury with her. The Crown Prosecutor assigned to Tania's case did not meet with Tania until a few minutes prior to the start of the preliminary hearing, so her contribution to Tania's preparation for court was negligible. Tania described her social worker as being "not really [helpful]" in this matter; Tania feels she hasn't seen much of her social worker and suggested that she could have been of more assistanceto Tania by "talk[ing] about this whole thing more."

Theresa: Theresa's previous court experience has made her feel more confident about her involvement in the current case, however, she admits that she is still frightened about having to testify. She has spoken to three people about her feelings about going to court, her school counsellor, her counsellor at Group 5 Youth Counselling Centre and myself, and says that talking makes her "feel good." Theresa's parents have not been a good resource for her in this matter, for, as Theresa noted, "...every time I try talking to them, they yell at me." Theresa does feel some indirect support from her parents, however, in that they have indicated they want nothing more to do with Theresa's abuser and his wife. Theresa claims that her mother and father have not helped her prepare for court in any way, except for her mother advising her on what she should wear. Theresa doesn't recall being helped to prepare for either of her previous visits to court. She credits the Child Welfare investigator, the RCMP constable assigned to the case, and her counsellor at Group 5 Youth Counselling Centre with assisting her in preparation for this case. Theresa related that the Child Welfare investigator, whom Theresa saw on two occasions, "helped me feel better, feel better about going to court and stuff like that." Theresa was not able to explain what the social worker did to accomplish this end. Theresa reported that she saw the RCMP constable ten or eleven times and that he "helped me, like, do, like, get my thoughts back and quit worrying about my uncle, and stuff like that." As with the Child Welfare investigator, Theresa was unable to elaborate on the methods employed by the RCMP constable in his efforts to assist her. Theresa clearly remembers the advice which her counsellor at Group 5 offered her. In order to help Theresa deal with her fear of being unnerved by seeing her abuser make scary faces at her while she testifies, her counsellor, Victoria, suggested that Theresa look either at her aunt, at her counsellor, at her mother and father, or at myself. Victoria has also done some rehearsal with Theresa, and a mock trial was set up for Theresa by the girls in her therapy group. Theresa found both of these exercises helpful. Theresa did not meet with the Crown Prosecutor assigned to her case prior to the day of court.

Carlene: Carlene stated that her counsellor at Group 5 Youth Counselling Centre helped her by talking to her about how she feels about going to court and by giving her some advice about how to conduct herself in court. Carlene's best friend was also helpful in that she saw through Carlene's attempts to cover her depression and encouraged her to talk about her feelings about going to court. Carlene noted that she got some of her information about court procedure from the television and from her Social Studies class at school. Carlene described her family as unsupportive and the police and Crown Prosecutor as not very helpful.

Hannah: Hannah credited her counsellors and fellow therapy group members at Group 5 Youth Counselling Centre and the Crown Prosecutor assigned to her case with helping her to prepare for court. The girls in Hannah's treatment group discussed the issue of going to court with her, shared their stories of firsthand experience, and encouraged her to talk about her feelings. They also staged a mock trial for her benefit. Through this experience Hannah was provided with some basic information regarding the layout of the courtroom, the usual courtroom personnel, and typical courtroom procedure. Hannah's counsellors also spoke to her about how to conduct herself on the witness stand and forewarned her about some of the difficulties she may encounter while testifying. Hannah also received some assistance from the Crown Prosecutor. He arranged to meet with her two weeks prior to the day of court to introduce himself to her, to acquaint himself with her, and to reassure her that there is nothing to worry about. While Hannah admits that his efforts to assuage her were not wholely successful, she did find it comforting to learn that he has "put a lot of kids through" before her. Hannah added that he helped her further when he "sort of warned me what it's going to be like." The Crown Prosecutor also spent some time with Hannah on the day of the trial. He met with her at the courthouse and showed her through a courtroom before the trial began.

3. Do these children perceive that their involvement in the court process has influenced:

a) relationships within their families?

Sam: Sam's relationship with his father has been affected by Sam's having been abused by his paternal grandfather, as Sam's father was also abused by this man. Several of Sam's comments suggest that he feels quite isolated from his father who, having repressed his feelings about his own victimization until Sam's disclosure, is now trying to cope with his emotional reaction to both Sam's molestation and his own. Sam reported that his father has "been acting a little bit strange" lately. When asked how he would describe his father, Sam said, "I really don't know. I don't know his facts right now...I don't know what's all going on." Sam also recommended that professionals might help other boys like him by "...see[ing] if, like if he don't have no brother and he's lonely...get a person, like an older person to go out with him and be friends with him."

Tania: Tania's relationship with the other members of her family has been severely disrupted in the wake of her disclosure. Tania's mother immediately allied herself with her husband upon learning that Tania had accused him of molesting her. She became very bitter toward Tania and denounced her as a liar. When asked how she thought her mother might describe her, Tania responded, "[she'd say that I was] lying...and that I try to get everything my own way, which is I ask for it, and that I don't like my family anymore, and that's about it...she wouldn't have anything good to say about me." Tania's mother has refused to let Tania see her new baby brother, and has told Tania that the family doesn't miss her. Tania fears both her mother and her father. She has seen each of them drive past her school and worries about the possibility that they may try to grab her and force her to change her story. Tania has even been having dreams which depict her father attempting to kidnap her in an effort to make her recant. Tania has three younger brothers, but she has only had contact with the oldest of her siblings since she was placed in foster care. Her brother, Greg, attends the same school as she. In reference to Greg, Tania noted: "[We used to get along] not that bad...well, brothers and sisters don't usually get along very well...[now he] thinks I'm a liar." Tania reports that Greg has been telling all of their mutual school friends that she is a liar, too. Tania is upset by Greg's attitude and hurtful behaviors, as she feels she was a good big sister to him: "I'm the one who took him rollerskating and things like that...I used to ask Dad if he (Greg) could go places so he wouldn't get grounded." Tania's mother has effectively isolated Tania from other members of their extended family and close family friends by convincing them of Tania's guilt in this situation. Currently, Tania's only familial supporter is her Aunt Sheila, who lives outside the city.

Theresa: Theresa feels that, with one or two minor exceptions, her family has not been affected by the upcoming court case. Theresa's brother, Arnold, has not been told why she is going to court, and, according to Theresa, he has not changed in any way as a result of her having to go to court: "He's still mean!...he beats up on me all the time." Theresa perceives that her parents have "forgotten about court", as the issue is not discussed in the home. She reports that when she does try to talk to them about going to court they yell at her. This aside, Theresa believes that her family may even have drawn closer together because of the legal matter facing them. She bases this conclusion on her observation that her family has recently begun to eat together. As she described the situation: "We've been sittin' down eatin' like a family instead of eatin' in the livingroom and stuff. Two people were eatin' in the livingroom and two people were eatin' at the table and...so now we're [all] eatin' at the kitchen table." Theresa currently rates her family at a nine on a ten-point scale of family closeness.

Carlene: Both Carlene and her mother testified at the preliminary hearing. Carlene felt that her brother and her mother's common-law husband rallied to support her mother, but offered her nothing. She rated her current relationship with her family at 0 on a ten-point scale. She feels that her mother, her brother and her mother's common-law partner have all drawn closer to each other, while she has been excluded. Carlene's relationships with her brother and her mother's husband were essentially unaffected, but her relationship with her mother deteriorated severely. As she put it, "Well, my Mom and I used to be close before the subpoenas came. Now we're starting to drift because...I think she's blaming this all on me...I always have this feeling that she's mad at me...'cause I'm hurting her with this court case."

Hannah: Hannah attributes her family's weakened cohesiveness to their involvement with the legal system. She feels that prior to her disclosure her family would have rated an 8 on a ten-point scale of family closeness, but now they only merit a 6. While Hannah hasn't noticed a change in her relationship with her brother, Ben, she sadly acknowledges that her relationship with Tom has deteriorated. Hannah choked back emotion when asked how going to court has affected her relationship with Tom and replied, "...um, I don't think we are as close as we used to be...'cause I think Tom knows that I'm tryin' to help him, but he's mad because I'm helping him sort of the wrong way." Hannah observed that her mother has changed, too, as a result of the court case: "She's...some days she's a little grumpy and some days she's really out, like, she's down...and she doesn't really want to talk about anything." Hannah feels that the change in her mother's temperament is a result of her mother's feeling caught in between her and Tom over the sexual abuse issue: "Like, um, she's the mother of both of us kids and she doesn't know who to cheer for...[she's] wishing the best for both of us." Hannah also noted that she does not find it easy to express her feelings about going to court to her mother as she fears she will contribute to her mother's anxiety about the situation: "Well, if I talk about it [with Mom] I'm afraid I'm going to, like, scare her off and then she'll be more afraid of my scared feelings."

b) relationships with their peers?

Sam: Sam reports that his relationships with his friends remain essentially unchanged. Only his best friend, Charlie, knows of his situation, and according to Sam, Charlie has been "keepin' it as a secret not to tell nobody. He's been keepin' it quiet."

Tania: Tania calculates that about ten of her friends know that she is going to court and the reason for it. Tania noted that these friends were surprised to learn of her situation, and she perceives that they feel sorry for her. Tania looks to her friends for support, and responded to their reactions by saying to them, "if I can hold on, you guys gotta hold on with me." Tania feels that most of the other students in her school were made aware that something unusual is going on in her life as a result of her departing the school in a police car on the first day of the investigation: "The next day in school everybody said, 'How come you were in a police car?' I told them it was none of their business." Being put on the defensive strained Tania's relationships with some of her less intimate friends. She observed, however, that some good also came of her unexpected notoriety, as a group of boys who had been picking on her desisted after hearing of her circumstances.

Theresa: Theresa has not told any of her friends about her upcoming court appearance, and she does not feel her friendships have been affected by her involvement with the legal system.

Carlene: Carlene feels that all of her peer relationships, save her relationship with her best friend, have been affected by her having to go to court. As Carlene doesn't feel safe or comfortable apprising her other friends of the details of her current situation, only her best friend knows why she is going to court. Carlene feels that the secrecy has strained her relationships with her peers and that she has grown distant from them as a result of her preoccupation with the court case: "I don't talk to them much anymore. They always call to ask me what's wrong. I just tell them, 'Nothing...Gotta go. Bye.'"

Hannah: Hannah's four closest friends know that she is going to court and are aware of the reason for her involvement in the court process. While Hannah doesn't feel that the strength of her relationships has been affected as a result of her situation, she has noticed that she interacts differently with her friends than she did before her disclosure. She noted, "Um, some days my friends see it in me, like, I don't feel like doing anything. I'm not as much fun, and I can't tell them (i.e., explain how I'm feeling)...I don't really feel like doing much any more. Like, I used to play badminton all the time and go out and play volleyball. I haven't really been feeling like doing that much lately."

c) their school performance?

Sam: Sam reports that his school performance has not suffered as a result of his having to go to court.

Tania: Tania was uncertain on this point, but concluded that her progress in school may have slowed down because of the problems with which she is presently confronted.

Theresa: The only change which Theresa has noticed in regard to her school performance is that her temper has become more of a problem.

Carlene: Carlene feels that her school performance has deteriorated due to the stress of the impending court case. In her words: "I don't go to classes...I don't feel like sitting there listening to a lecture. Better things (i.e., court) are on my mind than school right now, and my marks have really gone down."

Hannah: Hannah feels that her school performance has been influenced by her involvement with the judicial system. She explained the changes she has noticed as follows: "Um, sometimes I blank out and sort of just think of court day and what's going to happen. And I just don't do my work sometimes."

d) their sleeping or eating patterns?

Sam: Sam said that his sleeping habits have not changed, but noted that, "I have changed in eating because I'm growing. I've been eating too much now...My Mom tells me I've been eating more than usually [for] about a week now." While Sam's increased appetite may be symptomatic of the stress he feels in anticipation of the upcoming trial and in reaction to his father's current emotional state, it may also be a sign of the relief he feels at having recently concluded the preliminary hearing.

Tania: Tania observed that she began to gain weight about a week after she was removed from her home and placed in foster care. She does not know how to account for this change, except to simply say, "I just get hungry faster." Tania has also noticed that she is "tired all the time now", a finding which may partially be attributed to the fact that Tania has been having a recurrent dream in which her father drives past her at her school, stops and drags her into the car, and tries to force her to change her story. Tania is rescued by school friends in this scenario.

Theresa: Theresa states that only her sleeping patterns have been altered in the wake of her disclosure. As she phrased it, "I'm hard to go to sleep now...since going to the officer." Theresa also recalls having had one nightmare about the uncle who molested her and about his father.

Carlene: Carlene has experienced disruptions in both her eating and sleeping habits. Of late she has had some difficulty sleeping, but she has not been having nightmares. With regard to her appetite, Carlene noted, "so many times I just plain don't want to look at food."

Hannah: Hannah hasn't noticed any changes in her eating or sleeping patterns.

e) other?

Theresa: Theresa feels that her temper problem has been exacerbated as a result of her having to go to court.

Carlene: Carlene has been feeling depressed of late, and has survived two recent suicide attempts. As she explains, "I get really down sometimes...[and] with all the pressure and that, I've tried suicide."

Hannah: Hannah noted that she sometimes has temper tantrums when she is overcome with fear at the thought of going to court. It is also possible that Hannah is experiencing some depression, as she describes having several of the symptoms common to that condition, such as lethargy and diminished powers of concentration.

4. Do these children have any central concerns at this time? If so, what are they?

Sam: Sam initially reported that he had no worries at the present time, but he soon revealed his almost overwhelming fear of being called a liar in court. As far as Sam is concerned, proving that he didn't tell a lie is "the most important thing." It seems that Sam sees himself as being on trial, and he wrongly believes there will be consequences for him if it can be shown that he lied: "I wish for that when I go to court that I won't be called guilty, like I'm making up a story...I don't want to be called liar liar and tooken away from my home." Sam recommended what he considers to be a foolproof method of proving his grandfather's guilt (and Sam's innocence): "I'd like to make him guilty. I'll do it caught in the acts...yeah...caught in the act and have evidence...and then they would know I didn't tell a lie." Sam is also concerned that if he is not seen to be truthful his grandfather will be free to abuse other children: "Like they might call me, they might call me that it was just a made up story and Grandpa gets off the hook and he keeps on going on with that same stuff." A final comment made by Sam suggests how alone and insecure he feels in this matter: "I know one person who knows the real truth, and it's God. That's which, he knows the truth and so do I."

Tania: Tania does not want to go to court, but feels she has no choice in the matter. And while she has fears about the actual trial itself, she also expressed anxiety over related events which may occur prior to or as a result of the trial. Tania has been living in a foster home since the day after her disclosure, but still attends the same school as she did when she was at home. She has seen both her mother and her father drive by on separate occasions and she fears the intentions behind this behavior. With regard to her mother, Tania noted: "I think my Mom's trying to check up on me because the past few days they (her mother and brothers) have been going to Dairy Queen for lunch, and they never go to Dairy Queen for lunch. They never did, and all of a sudden they're going to Dairy Queen for lunch. If I see their car, I stop on the tracks and go back to school...[I'm worried that] she is going to see me one of these days and she's going to grab me and start screaming at me, telling me what the hell am I doing, and stuff like that." Seeing her father drive past the school gave rise to Tania's fear that he would stop and drag her into the car, kidnap her and try to force her to change her story. Tania has recurrent dreams about this scenario; in her dreams she is rescued by her friends. Tania also worries about the welfare of her three younger brothers, and is particularly concerned about what might happen to them should her father change his plea to guilty: "Well, I'm just scared that my Mom's going to get so mad that if my Dad does plead guilty my Mom's going to say, 'OK, that's it!', leave [my brothers], and take off. You know, because my Dad did it (left the family), well why not my Mom?"

Theresa: Theresa stated that her major worry at present is "court coming up tomorrow." She has several concerns about going to court, the first being that her uncle will try to make her out to look like a liar in court. Alternately, Theresa fears that her uncle may harm her if she doesn't lie (i.e., recant) as he demanded: "What he said to me [was], 'You better lie, or else I'll get you back.'" Finally, Theresa is worried that he may be able to unnerve her by looking at her while she is testifying. For this reason, Theresa does not want him to be present in the courtroom when she gives her testimony: "I don't want him to know what I'm saying...because he might think that I'm lying...and then he might make (scary) faces at me again."

Carlene: Carlene stated that "Monday afternoon" (i.e., court) was her biggest concern. She is afraid of going to court. She is worried about seeing her father again, fearing that he will be able to make her "look like a liar". She is concerned that someone on the jury or in the courtroom will know her: "I don't want any outsiders from Edmonton seeing my life story told." And she is afraid that her father's lawyer is going to "make it look like [she] brought it (the abuse) on [herself]." Carlene is also worried about provoking her father's violent temper in her pursuit of justice; she fears repercussions from him should he be allowed to go free.

Hannah: Hannah noted that she is currently concerned about two issues in her life, a fight between two of her friends and going to court. Hannah spoke of several worrisome issues pertaining to her upcoming court appearance. She does not want to repeat her story in her brother Tom's presence as she fears that he will become angry, and perhaps even physically abusive, toward her. Hannah is afraid that she will be treated badly in the courtroom by Tom and his lawyer. More specifically, she is worried that Tom will call her a liar and that his lawyer will be able to manipulate her testimony in such a way as to make her look bad. Hannah fears that if Tom's lawyer is successful in his endeavors to have Tom acquitted, Tom would be free and encouraged to abuse again, having been given the message that it's easy to get around the law. Finally, Hannah is concerned about the possibility that her name will be published in the newspaper, leaving her and her family open to public scrutiny.

5. What suggestions, if any, can these children offer with respect to ways in which the "going to court" experience could have been made easier for them?

Sam: Sam drew from his recent court experience at the preliminary hearing when he responded to this question. He feels it would have been of benefit to him if he had met with the Crown Prosecutor in advance of court day. Sam thinks that an earlier meeting would have given them a chance to get to know each other, and he believes that this would have made him feel more comfortable going into the preliminary hearing. Sam also commented on his experience within the courtoom. He noted that both his grandfather's presence and that of several courtroom spectators compounded the anxiety he felt while on the witness stand. Sam believes that it would have been easier for him to testify if his grandfather and the spectators had not been present in the courtroom. Sam couldn't think of any ways in which his parents could have been of more assistance to him. With regard to professionals who work with children in Sam's situation, Sam recommended that they could help by "just asking me the same things that you're asking me" and by "coming to court with me." Restated, professionals can be of assistance to child witnesses by encouraging them to talk about their feelings about going to court, providing them with some basic information about the courtroom and court procedure, and giving them lots of support. Sam also stated his belief that child witnesses benefit by being shown through an empty courtroom prior to testifying.

Tania: Tania had several suggestions to make as to how cases such as hers could be better handled. To begin with, Tania recommended that children in her situation should only have to write out their statement once, not twice as Tania was made to do. Related to this is the suggestion that sexually abused children should be interviewed in a non-threatening environment. After having been picked up indiscreetly at school by two regular duty police officers, Tania was taken to the police station to be interviewed and to give her statement; this environment, Tania noted, made her "feel like [she] was in jail or something like that." Tania feels it would be helpful to meet with the Crown Prosecutor in advance of the court date because "then you know who's on your side." She also believes it would be of benefit to visit an empty courtroom so that the environment is not totally unfamiliar when it is time to take the stand. The change which Tania most strongly endorses is that of having the offender removed from the courtroom while the victim testifies. Tania made several references to this notion throughout the interview: "I think it woulda been easier if they had made a law that the person who abused the kid isn't in the [court]room at the same time...Well, at the preliminary they should, like, just have the judge and the two defenders, and the witness comes in when it's [their] turn, and leaves." Tania feels that her own situation could be improved by limiting the people allowed into the courtroom to "just the people I love and people that have something to do with the case, like family." Tania believes that she would feel better about going to court if the judicial system could ensure that neither her father or mother would be present while she testifies. If Tania could have it her way, only supporters such as her Aunt Sheila would be in attendance while she is on the stand. Given the current status of her relationship with her family, Tania could not recommend ways in which they could make the court experience easier for her. With regard to assistance from professional sources, Tania concluded that talking to counsellors about going to court and issues related to that experience helps "sometimes". She would also find it reassuring if her counsellors and other supporters, both professional and otherwise, would accompany her to court and be in attendance while she is on the stand. It Tania could have it her way, only people who are supportive of her would be allowed in the courtroom when she testifies.

Theresa: Theresa believes that her previous exposure to the judicial system has helped her to feel more confident. Consequently, she feels that if this were to be her first trip to court, it would be helpful to have someone show her around a courtroom and provide her with some basic information about the courtroom experience. Theresa feels that "just the people that know about it" should be allowed in the courtroom, and that her uncle, the offender, should not be present when she testifies. Theresa wants to be allowed to hear her uncle's testimony, however, so that she can assess the truthfulness of what he says. Theresa could not directly offer any suggestions as to how her family could better help her through the court experience. From Theresa's perspective, her upcoming court appearance was a non-issue in her home. Her brother was purposely not informed of the reason for his sister's involvement in the judicial process, and Theresa's parents seemed to her to be unwilling to discuss the matter. As Theresa put it, "every time I try talking to them, they yell at me." Theresa's admission that she repeatedly attempted to engage her parents in a conversation about going to court suggests that she felt the need for extra support and guidance from this source. This may have been a way in which Theresa's parents could have helped her through the court experience. Theresa had some ideas about how professionals could assist sexually abused children who must go to court. She feels that talking about going to court is helpful, even though it can be difficult to do. Theresa also recommended that child witnesses would benefit from practice sessions, like the mock trials in which she participated.

Carlene: Carlene offered several suggestions as to how her experience with the judicial process could be made easier. Firstly, since she is fearful of facing her father, she recommended that the he should not be present in the courtroom while she testifies. If physically removing her abuser is not feasible, Carlene feels that he should be hidden behind something, or, at the very least, "[have] a paper bag put over his head or something." Carlene's second recommendation is that the lawyers and the judge refer to her statement for details of the abuse rather than make her repeat her story in court. With regard to preparing for court, Carlene thinks that the police and the Crown Prosecutor could have been of more assistance to her by "telling me what's going to happen...like how everything is going to work." Carlene believes that she would also feel more confident as a witness if she were apprised in advance of some of the questions she could expect to be asked in court.

Hannah: Hannah offered several suggestions as to how the current system should be adapted to accommodate young witnesses such as herself. She feels it would be helpful for children to visit the courthouse and sit through another case in preparation for being a witness so that they can "know what they're in for." Similarly, Hannah supports the idea of child witnesses being shown through an empty courtroom and given the opportunity to stand on the witness stand prior to their day in court. Finally, while Hannah seems to have no qualms about the presence of public spectators in the courtroom, she made it clear that she would find it much easier to testify if her brother, Tom, were not in attendance at that time.

6. Would these children go through the court experience again if they knew what they know now?

Sam: "I'd just go through it once and that's it...'cause I'm nervous. I don't want to go through it again because of my Dad. He gets too nervous. All of his remembries come back." Sam recommended an alternate approach to confirming his grandfather's guilt which would spare him the experience of going to court. Sam would prefer to set himself up as a guinea pig in an attempt to catch his grandfather "in the acts" rather than go to court.

Tania: In spite of all the hardships which Tania has had to suffer as a result of her disclosure, she feels that she would go through the experience again. She feels strongly that "it is wrong for a parent to do something like this", and firmly believes that her father needs help and would not seek it if left to his own resources. Tania expressed concern that her father may sexually abuse other children if he is not stopped and treated now. It's important to note, however, that Tania would prefer to resolve this matter without her having to appear in court. In response to a question which asked how she would deal with this situation if she were in charge of the case, Tania replied: "Well, I'd send my Dad to a psychiatrist. I'd get the psychiatrist to put him under hypnosis, then just ask him what his feeling was and if he did it or not...get the truth."

Theresa: Theresa is very eager to see her uncle incarcerated for his wrongdoing, and said that she would "go [to court] over and over and over until he goes to j..., until he goes to jail for a million years."

Carlene: Carlene expressed very mixed feelings on this point: "Sometimes I would do it again, and sometimes I'd let it go by." She considered many factors in determining her response to this question, such as her concerns about protecting others from her father's abusiveness, her need to pay him back for his treatment of her and her family, and her fear of provoking her father into retaliating against them. Carlene concluded, however, that the outcome of the court case would ultimately determine whether or not she would involve herself in the judicial process again. As she put it, "if justice isn't going to be done, what's the point of laying the charges?!?"

Hannah: Hannah's desire to help and protect her brother is so strong that she feels certain she would go through the court experience again if the need arose. Hannah explained her position in this way: "Well, I don't want him (Tom) to follow in my Dad's footsteps." Hannah would prefer not to go to court at all, however, if the case could be resolved satisfactorily in an alternate fashion.

7. What other factors might account for any trauma these children may be experiencing?

Sam: 1) His father's reaction. Sam's father, Rick, reacted very strongly to Sam's disclosure that he had been abused by Rick's father. Rick, who was also abused by this man, is preoccupied with unresolved feelings about his own victimization and self-blame for having entrusted Sam to his father's care, naively believing that he had changed in the years since he molested Rick. Sam feels his father's emotional distance. When asked to describe his father, Sam replied, "I really don't know. I don't know his facts right now...I don't know what's all going on...[he's been] acting a little bit strange." Sam believes that his father is "really upset right now...upset that what he (Grandpa) did to my Dad is what happened to me", and indicated that his father's reaction has exacerbated this situation for him: "I'm nervous. I don't want to go through it again because of my Dad. He gets too nervous. All of his remembries come back."

Tania: 1) Lack of support. Tania's life was dramatically altered following her disclosure. She was immediately and unexpectedly removed from her home and placed in foster care. Tania's mother, who allied herself with her husband, Tania's abuser, became very bitter toward Tania and convinced other family members and friends that Tania was a liar. Tania was effectively banished from her family; she has not even been allowed to see her new baby brother. Further, Tania's mother has reportedly told Tania that no one in the family misses her. Tania tries to remain stoical in the face of the cruelty her family has shown her, but she admits that she has been hurt by it. With regard to her mother's treatment of her, Tania stated, "Well, it's really made me upset, but I don't care. I just block it out of my mind. She's like a figment of my imagination." Tania is reminded of her family's opinion of her even when she is at school. Tania's oldest brother attends the same school as she does, and he has been calling her a liar, both to her face and behind her back to their mutual school friends. Understandably, Tania feels she has very little family support. Her only true familial resource is an aunt who lives out of the city, although Tania also considers some of her closest friends and their parents as supporters. While Tania has been in foster care for several months, she has not bonded well with her foster parents and she believes that they don't understand how she feels about having to go to court. Tania reports that her social worker has not had much contact with her and has not been very helpful to this time.

Theresa: 1) Fear of her offender. While Theresa generally presents herself as being quite confident about going to court, she admits that she is afraid of seeing her uncle again. This fear may be linked to the threats made to Theresa by him. He reportedly told her that "[she] better lie (i.e., recant) or else."

Carlene: 1) Lack of family support. Carlene felt very unsupported by her family in this matter, and even attributed a decrease in the quality of family relationships to her and her mother's involvement in the proceedings against her father. Carlene expressed her feeling that nobody in her home except Ted, a boarder and Carlene's sometimes boyfriend, even cared about her feelings about going to court. Carlene rated the closeness of her family at

0/10 on a ten-point scale, but then backtracked and noted, "Well, my Mom, Karl andRobert are close. I'm kinda left out." Carlene further observed that "everybody seems to be supporting her (Mom), but nobody seems to be supporting me." Carlene's relationship with her mother has been most seriously affected by this experience.

2) Extreme fear of her offender. While Carlene experienced some mixed feelings about seeing her father again (after several years), her overriding emotion was one of fear. His violent and unpredictable nature is well-known by Carlene and her family, and she feared that he would seek revenge for having been charged for abusing her. Carlene contemplated her father's reaction to this situation and concluded that "he's probably sitting there, 'I'm going to kill the little bitch (Carlene), I'm going to kill her!' That's probably what he's doing."

3) Lack of self-confidence in her ability to be an effective witness. Carlene feels that the outcome of the case is dependent on her testimony, and she fears that she will not be able to do a good job of testifying. She doesn't believe that she has any of the qualities which she considers necessary for being a good witness; she rated herself as a 3/10 on a scale of witness ability.

Hannah: 1) Lack of family support. Hannah had little or no familial support in pursuing the charges which were laid against her older brother, Tom. Hannah and her mother, Beatrice, had become very close when it was earlier discovered that Hannah's father had been molesting Hannah, and

Beatrice had become Hannah's main resource. When Hannah disclosed that Tom had been abusing her, however, Beatrice waffled in her support, torn between her two children. Hannah made this observation of her mother's situation: "Like, um, she's the mother of both of us kids and she doesn't know who to cheer for...Mom's wishing the best for both of us." Beatrice feels she has tried to support Hannah throughout this experience. However, she has told Hannah that she holds her partially responsible for the abuse, and she minimizes what Tom did to Hannah. She referred to Tom as her "number one son", and said that he's "always been my pride and joy." Beatrice's biggest concern about court is that Tom will be sentenced to jail time. She admits that she feels "nervous" for Hannah because she has to testify, but she is more worried about Tom because "he has more to lose than Hannah" as a result of court. Beatrice feels that she is being "dragged through court again." She is upset that Tom was charged at all, as she believes that the problem could have been satisfactorily resolved within the confines of their home.

8. What do these children consider a just outcome to the case? Reasons?

__Sam__: Sam believes it was right that his grandfather got charged for what he did to him, and he wants his grandfather to be found guilty. Sam has given some thought to what he hopes will become of his grandfather after the trial: "I hope that if my Grandpa gets called guilty, I just hope he goes to a special hospital...Like, my Mom wants him to go into a special hospital. My Dad wants to put him into jail...for life. And I don't know what I want to put him in, really. Like, I really don't know. I'm still choosing, but I think a special hospital is more better...'cause he can, like, do more stuff. Like, it helps him out more better than going to jail."

Tania: This was not an easy issue for Tania to address. Tania wants her father to get help, nothing more, but she doesn't believe that he will seek treatment without pressure from the judicial system. The catch for Tania is that the judicial system will not intervene unless her father admits his guilt or is proven guilty in the trial, and she fears that such a determination may carry with it more negative than positive repercussions. Several of the comments made by Tania throughout the interview reflect her perplexity: "It's not that I want him to be found guilty, it's just that I don't know how to help him. I'm trying to help him. Well, the social worker said, and if the social worker goes back on this, I'm going to get mad...he said, no matter what, my Dad won't go to jail, that he'll probably go to a hospital for help. But he said for sure he won't go to jail." Tania explained that the reason she doesn't want her father to go to jail is "because my Mom won't be able to support [my brothers]." Tania would like her father to plead guilty so that she can prove to her mother that she didn't lie about the abuse, but she fears that her mother's reaction to such an outcome would have serious consequences for her and her brothers. For herself, Tania envisions that

"Mom won't want me back. Well, she doesn't want me back now. Well, I just decided to get it out of my mind...who cares if she doesn't want me...[my aunt] wants me." Tania worries that the future may not be as bright for her brothers, however: "Well, if my Dad's found guilty...OK, let's say he is found guilty and he gets all this help, and maybe my Mom will just decide to leave him. My Dad wouldn't be able to handle [my brothers], so they would probably, you know, get rid of them...Yea, if my Mom leaves my Dad, well, then my Dad will come home even drunker." Tania also expressed compassion for her father, whom she believes stands to "lose the family" if he is found guilty. When asked how she thinks she might feel if her father is deemed innocent, Tania responded: "I would feel happy for him, well, in a way I would feel happy for him because he wouldn't lose the family...but what if he does it again, or to somebody else this time?"

Theresa: Theresa was very concise in expressing her feelings on this point. She hopes that her uncle "goes to jail...and never comes out."

Carlene: Carlene expressed conflicting sentiments on this point. The part of her that wants her father punished for his treatment of her, that is terrified of what her father might do to her and her family should he not be incarcerated, and that fears that her father may sexually abuse others if he is not stopped, wants her father found guilty: "I hope he goes to jail...for life." The part of her which fantasizes about establishing a satisfying relationship with her father, and feels that she might be able to forgive him in the process of doing so, anticipates that she'll "feel so guilty" if he goes to jail because of her.

Hannah: When she was first asked about how she would like to see this situation conclude, Hannah reported, "Um, I want Tom to go for help, I don't want him to go to jail." Hannah stated several times that her main concern is that her brother receive treatment so that he will not "follow in Dad's footsteps" (recall that Hannah was also molested by her father). Hannah cares about her brother very much and says she feels no ill will toward him, in spite of what he has done. Her desire to spare him the loss of his jobs is evidence of her generous attitude toward him. As the interview progressed, Hannah admitted that a small part of her does want to see Tom punished for his actions. She concluded that, from her perspective, the perfect resolution to this matter would be Tom being sentenced to a week or two in jail - Hannah feels that this length of time would be sufficient to give Tom a taste of prison life, but is not so long that it would cost him his jobs - and mandated to treatment upon his release.

9. If a good fairy came to you and said that you could have one wish, what would you ask for?

Sam: "I wish for that when I go to court that I won't be called guilty, like I'm makin' up a story."

Tania: "I would ask [the good fairy] if all this stuff could be over and done with, like, real quick...No, I'd ask her if I could not go to the preliminary hearing...What I'm hoping is if my Dad testifies (she means changes his plea) anywhere between now and Friday, I won't have to go to court."

Theresa: "Not to go to court."

Carlene: "OK...um...I'd wish...mm...I'd wish that...mm...time would go way back to when my Mom was a teenager and that she never met Ralph (Carlene's father), she met somebody different, and we (Carlene and her brother, Robert) were in the world in different forms, different people, and we didn't even exist. That he (Ralph's imaginary replacement) was nice, and they were still married now and have a good life." Carlene noted further that if she had been born into a healthy family, she would not have been abused and she would not be going to court.

Hannah: Hannah wished that her brother could be made to get help without them having to go to court.

CHAPTER V

INTERPRETATION OF THE FINDINGS

The central aim of this study has been to describe the pre-trial conditions which prevail for sexually abused children. The information which has been gathered here offers some insight into the experience of awaiting trial from a sexually abused child's perspective. In the following sections, the experiences of all five children will be summarized collectively to see what commonalities emerge.

Discussion of findings

Theme 1: Children would prefer not to go to court.

All of the children interviewed indicated that they would prefer not to go to court and would choose not to go if the matter could be adequately resolved in an alternate fashion. Suggestions, both simple and elaborate, were made by several of the children as to ways in which they felt their cases could be satisfactorily concluded without the need for their testimony. For example, Tania recommended that her father be sent to a psychiatrist to be put under hypnosis, and then be asked "...what his feeling was and if he did it or not...get the truth." Sam outlined a much more complex plan for getting out of having to go to court. He would rather set himself up as a guinea pig in an attempt to catch his grandfather "in the acts" than go to court.

Theme 2: Going to court is a frightening experience.

Without exception, the children involved in this study viewed the experience of going to court as a frightening one. As a group, the children reported many features of the going to court experience which scared them and made them anxious about their involvement in the legal resolution of their respective cases. Specifically, their fears included:

- being made to look like a liar in court/not being believed.
- being made to look like the initiator of the sexual interaction with the offender/being made to look like the guilty party.
- being punished by the judicial system if the offender and his lawyer are successful in making them look like a liar.
- being an inadequate witness and not being able to convince the judge/jury that the offender is guilty.
- testifying in front of the offender/facing the offender.
- getting mixed up or forgetting their story/breaking down emotionally on the stand and not being able to complete their testimony/fear that the offender will be able to influence their ability to testify (e.g., make faces which will unnerve them).
- being manipulated to look bad by the defense lawyer when they testify/not being able to tell their whole story.

- the unknown (i.e., fear of not knowing what to expect).
- being asked questions they didn't expect and weren't prepared for/being asked for exact details (e.g., times and places of abusive encounters) which they can't remember.
- having to repeat the explicit details of the abuse.
- provoking the offender to exact revenge on them or their family for following through with the court case.
- fear that the offender will not be found guilty and will be free, and perhaps even encouraged, to abuse others.
- fear of the offender going to jail.
- irrevocably altering their relationship with the offender as a result of pursuing legal action against him.
- having to speak in front of a room full of strangers (spectators, jury, courtroom personnel).
- being recognized by someone in the courtroom (e.g., a spectator or a member of the jury).
- having their name and the details of the case publicized.

Theme 3: Motivational factors.

The responses reflective of this theme revealed that the issue of motivation is a complex one. While the children did not want to go to court, they did want their respective cases resolved, and they had been given to believe that this could not be achieved without their assistance. Overall, the children seemed quietly resigned to the fact that they had to participate in the criminal process. Tania aptly expressed her understanding of the situation in this way: "[I have] no choice in the matter." The other children conveyed a similar sentiment, albeit in a less direct fashion. For instance, Carlene's sense of powerlessness in this situation is evidenced in her contemplation of the ways in which she might forgo going to court. Her short list of rather extreme options included: getting sick, committing suicide, or having a bomb land on the courthouse before her court date.

In spite of their fears about going to court, the children, as a group, seemed to be sustained in their efforts by three factors: a conviction that what their offenders did was wrong, a desire for consequences to be brought to bear on their offenders for their abusive actions, and a belief that they and their testimonies were essential to bringing those consequences to bear. The children held differing views with regard to the ideal outcome of their respective cases. Theresa very simply and very definitely wanted her uncle to go to jail "...for a million years." Carlene expressed mixed sentiments on this point. While she also had a strong need to see her abuser, her father, incarcerated, she anticipated that she would "feel so guilty" if he went to jail because of her. Sam described himself to be "still choosing" between a special hospital and jail for his grandfather, but said he leans toward a special hospital because it is "more better...'cause he (his grandfather) can, like, do more stuff. Like, it helps him out more better than going to jail."

Hannah was mostly concerned with getting professional help for her brother, Tom, so that he could resolve his problem, but she admitted that a small part of her would also like to see him punished for what he did. She suggested that a week or two in jail would satisfy her needs and would be sufficient to frighten Tom by giving him a taste of prison life. Tania did not want her father to go to jail. She just wanted him to get help, but she didn't believe that he would seek treatment without pressure from the judicial system.

Four of the children also related concerns that their offenders would re-offend against them and/or abuse other children if not found guilty of the charges currently against them. This awareness of the need to protect both themselves and others from potential future abuse may have made the goal of winning their respective cases more important for these children. It may also have contributed to the burden of responsibility they felt for proving that their abusers were guilty.

Children may feel additional pressure to succeed in order to avenge themselves and other family members for other wrongdoings the offender may have perpetrated against them. Carlene's case illustrates this point. In addition to sexually abusing Carlene, her father, Ralph, emotionally and physically abused Carlene's mother, Diane, and harrassed and terrified the entire family. Carlene believes that both her mother and brother, Robert, want Ralph to go to jail for the pain he caused them in the past, and, as

Carlene observed, "[I'm] the only one that can put him (Ralph) away." Sam, the only male subject in this study, may have experienced similar pressure from his family, in particular his father, Rick. As a past victim of sexual abuse at the hands of his own father, the same man who molested Sam, Rick had a vested interest in seeing him found guilty and punished for his abusive behavior. A comment made by Rick to me following the trial suggests that on some level he had endued Sam with the responsibility for settling his own score with his father. When I asked Rick how the trial had gone, Rick observed that Sam had been nervous while testifying, but "he did it (i.e., won the case) for all of us."

Theme 4: Having to go to court affects the lives of sexually abused children in a variety of ways.

The responses given by the children to questions which asked how going to court had affected them revealed that many aspects of their lives were touched as a result of their involvement in the judicial process. The most salient of the changes noted was that of altered familial relationships. Each child attributed changes in the quality of relationships within his or her family to the discovery of the sexual abuse and to the family's involvement in the legal system. This finding is not surprising given the dynamics inherent in intrafamilial child sexual abuse, and it is consistent with the literature on the impact of disclosure on families affected by incest.

All of the children reported that their relationships with other family members had deteriorated, but the extent of this deterioration varied greatly from case to case. The deterioration ranged from decreased communication and emotional distancing to complete rejection and ostracism. The children shared the many feelings they experienced as a result of their families' reactions to the disclosure of the sexual abuse and the upcoming legal proceedings. As group, the children felt: disbelieved, left out (two children felt that the rest of the family had pulled more closely together), misunderstood, frightened (of potential harm by vindictive relatives), confused (by the reactions of certain family members), blamed (for having "hurt" the family), overly restricted (ostensibly for their own protection), hated, lonely, unwanted, guilty for having disrupted the family's functioning, angry and hurt (in response to the reactions of certain family members), unsupported, uncared for, unimportant, saddened (by the prospect of not being able to salvage certain relationships after the court case has been resolved), and justified in having disclosed and followed through with the legal proceedings.

The children acknowledged many other ways in which having to go to court had altered their lives. Following is a list of the psychosocial changes and somatic symptoms experienced by the children which they attributed to their involvement in the judicial process (the bracketed numbers indicate the number of children who were affected by each particular change):

- disturbed eating patterns (3/5).
- disturbed sleeping patterns, including nightmares (3/5).
- decreased school performance (3/5).
- disrupted peer relationships (3/5).
- fatigue and lethargy (3/5).
- temper control problems (2/5).
- depression (2/5).
- suicidal impulses/attempts (1/5).

Theme 5. Sources of Support.

By reviewing the children's accounts it was possible to determine who they perceived as having been of help to them throughout their involvement with the legal process. The bracketed numbers indicate the number of children who endorsed each particular source.

- Therapist(s) at a treatment agency (4/5)
- Fellow group therapy members (2/5)
- School counsellor (1/5)
- Parents (1/5)
- Best friend (1/5)
- Police detective (1/5)
- RCMP constable (1/5)
- Child Welfare investigator (1/5)
- Crown Prosecutor (1/5)

It is noteworthy that parents/family, social workers, police and Crown Prosecutors were not regarded as sources of support by the majority of the children interviewed. It is suggested that parents and other family members were often so emotionally affected by the situation themselves that they could not provide the affected child with the support and assistance he or she required. The amount of social worker contact varied greatly from case to case, but even where social worker involvement was high, direct assistance to the child was seen as limited. The police were generally described as having little involvement with the children. They took statements during the initial investigation and delivered subpoenas prior to court dates, but had little contact with the children in between. With Hannah being the exception, the children in this study did not have any contact with the Crown Prosecutors assigned to their case prior to their respective court dates. As such, Crown Prosecutors were collectively regarded as being not very helpful. The finding that child victims are not feeling supported and assisted by these established resources highlights the need to carefully assess and monitor each individual case of intrafamilial child sexual abuse to ensure that the child victim is provided with adequate and consistent support throughout the course of the legal process.

Theme 6. What was helpful?

Having determined who the children considered to be helpful and supportive, it is now possible to examine the kinds of assistance which these individuals provided.

Talking was considered helpful by all of the children. Even though it was difficult and frightening to do at times, talking about court and related issues offered the children some measure of relief. It allowed them to externalize their feelings and examine their fears. It also provided them with the opportunity to ask questions about court-related matters which were of concern to them.

The children expressed a strong need to know what to expect and to be as prepared for their day in court as possible. As such, they appreciated the efforts of those individuals who provided them with basic information regarding topics such as the physical layout of a typical courtroom, the functions of courtroom personnel, and courtroom procedure. Those children who were familiarized with an empty courtroom found this procedure helpful. Mock trials and practice sessions were also considered useful. Hearing of others' courtroom experiences served to provide many of the children with greater insights into what awaited them in their own upcoming trials.

Finally, ongoing support was deemed important by the children in this study. This support took many forms. For example, Sam appreciated that the detective working on their case kept him and his family informed about any new developments in the matter. And the children were unanimous in their opinion that professionals working directly with sexually abused children could offer them support by accompanying them to court.

Theme 7. Recommendations for ways in which the experience of going to court could be made easier.

As noted above, the children in this study have received some help and support throughout their involvement with the judicial system. As a group, however, they made many further suggestions as to how the experience of going to court could be made easier for them and for other children like them. These suggestions included:

- meeting with the Crown Prosecutor in advance of court day. This would allow the child and Crown Prosecutor to get to know each other so that the child could feel more comfortable once inside the foreign atmosphere of the courtroom. As Tania pointed out, this procedure would also provide the child the security of "know[ing] who's on your side."
- limiting the courtroom spectators to just those who are directly involved with the case/banning spectators from the courtroom altogether.
- removing the offender from the courtroom prior to the child's taking the witness stand/allowing the offender to remain in the courtroom, but concealing him from the child's view.

- requiring child victims to write out their statement only once.
- conducting the initial investigative interview with the child in a non-threatening environment.
- visiting an empty courtroom to familiarize the child with the courtroom environment.
- having the lawyers and judge refer to a child's statement for details of their abuse rather than requiring the child to repeat them in the courtroom.
- briefing the child on the questions he or she can expect to be asked while on the stand.
- arranging for child witnesses to sit through another case prior to their day in court so that they can "know what they're in for."

Theme 8. Disclosure of the sexual abuse and the child's subsequent involvement in the legal process may give rise to or exacerbate conditions in the child's environment which create additional stressors for the child. These stressors may, in turn, influence the child's experience of and reaction to the court process. Several examples can be drawn from this study to support this notion, but Tania's case offers the most vivid illustration. Following disclosure of her abuse, Tania was denounced by her family as a liar and was completely ostracized by them. This condition provoked a great deal of anxiety in Tania. She became fearful of coming into contact with her parents, believing that they would abduct her and try to make her change her story. This same scenario even pervaded Tania's dreams. Tania was frightened by the prospect of going to court, anticipating an unpleasant encounter with her mother, other relatives and friends of the family. It seems clear from this example that the quality of a child victim's experience with the legal system may be influenced by a number of factors apart from the way in which the child is treated by the system itself.

Limitations of the Investigation

There are several limitations inherent in this investigation which can be ascribed to the sample, the generalizability of the data, and the researcher. The sample for this research consisted only of children who were in therapy for treatment as a result of their sexual victimization. As such, the sample may not be representative of intrafamilial child sexual abuse victims in general, but may only characterize child victims in therapy. The sample may be further biased by the fact that the only children interviewed were those who were willing to participate in the study. It must also be recognized that the results speak only to the experiences of older children (i.e., adolescents). Children under the age of ten are not commonly called as witnesses, and it is not known how the experiences of children in this age group would compare to the findings of this study. Socioeconomic status is another factor which must be considered here. All of the children who participated in this research endeavor came from families of low socioeconomic standing. This finding is thought to be a function of the process used to select the participants; that is, all of the participants were arranged through two community-based treatment agencies, which, as free services, tend to attract people of lower economic means. The results of this study, therefore, may not reflect the experiences of children from families with greater social influence or economic means.

The generalizability of the results of a study is influenced by characteristics of the sample used, such as those noted above. Sample size is another pertinent consideration. In this study, generalizability of the findings may be limited because of the small size of the sample (N=5). It is encouraging, however, to discover that the court-related experiences of the five participants were similar in many respects in spite of the numerous individual differences between them, e.g., they were of different ages at the onset of their abusive experience, they experienced different sorts of sexual abuse, they were molested by individuals of varying relationships, they differed in amount of previous involvement with the legal system.

Without a control group of child witnesses who are not victims of sexual abuse it is impossible to make any conclusive statements about the influence of abuse-related variables on the child victim's experience in the legal system.

The influence of the researcher may have biased the results of this study in two ways. The first source of bias comes from the researcher's basic assumption that involvement in the criminal process would be experienced as a significant event in the lives of the children interviewed. The second potential source of bias results from the fact that the researcher had been involved in a therapeutic relationship (as a co-leader of a therapy group) with all but one of the participants prior to the commencement of the study. While care was taken to ensure that rapport was established with each of the children prior to their respective interviews, the differences between them in terms of prior exposure to the interviewer may have influenced the quantity or quality of information shared.

CHAPTER VI

CONCLUSIONS

An attempt was made in the present study to understand the pre-trial conditions which exist for victims of intrafamilial child sexual abuse. To achieve this end, five children, all of whom were involved in the legal resolution of the criminal charges brought against their respective offenders, were interviewed using a semi-structured, focused in-depth interview schedule. The resulting data were transcribed and analyzed.

While each child's experience was unique in its own right, several themes of shared experience were revealed when their stories were examined collectively. The children in this study were frightened by the prospect of having to go to court. They didn't want to go, but felt they had no choice in the matter. They expressed a need to see their respective cases concluded satisfactorily, either with the offender being sent to jail, being mandated to treatment, or some combination of these two alternatives. It was suggested that the children felt a great deal of responsibility for achieving these desired resolutions.

The children perceived that their lives had been affected in a variety of ways as a result of their involvement in the legal system. Disrupted familial relationships were common to all, but the extent of this deterioration varied from child to child, ranging from decreased communication and emotional distancing to complete rejection and ostracism. It was suggested that conditions like these may create additional stress for the child which, in turn, influences the child's experience of and reaction to the court process.

Sources of support were examined and it was determined that the children considered their therapists to be of most help to them. This finding may be reflective of the fact that children in treatment typically spend one or two hours per week with their therapists examining the sexual abuse and related issues, such as the child's involvement with the legal system. Parents/family, social workers, police and Crown Prosecutors were not regarded as resources by the majority of the children. The children found talking about going to court and related issues made them feel better, although talking was difficult at times because it brought the reality of the situation into sharper relief. They also appreciated and were reassured by efforts to educate them about what to expect come court day. Finally, ongoing support from professionals involved with the child and his or her family was deemed helpful.

The last major finding of the study is that each of the children had suggestions for ways in which going to court could be made easier for them and other children like them. These suggestions address many of the fears the children have about going to court, such as that of facing their offender.

This study was intended to provide some basic information about the sexually abused child's experience of being involved with the legal system. As noted earlier, there is a lack of fundamental knowledge in this area. Many professionals in the area of child sexual abuse have speculated that involvement in the legal process is psychologically harmful for child victims, but there is essentially no research literature on which to base interventions to prevent such harm (Melton, 1985). The results of this study do not resolve the issue of system-induced trauma, but they contribute to an understanding of this issue. The children in this study were affected in many ways by their involvement in the legal system. They attributed disruptions in familial relationships, psychosocial changes and somatic symptoms to it. In addition, they experienced a great deal of fear about having to go to court to testify. These difficulties seemed to become more acute as the scheduled court date drew nearer. Being served with the subpoena marked the beginning of the critical period for at least one child. The findings of this study suggest that involvement in the judicial system can be traumatic for children if "traumatic" is interpreted to mean "unpleasant" (The Concise Oxford Dictionary, 1976).

Implications

The results of this investigation have implications for the systems that intervene in cases of child sexual abuse, those being Child Protective Services, the police, Crown Prosecutors and treatment agencies. On a local level, more attention has to be focussed on the manner in which abused children are treated following the initial investigation of their cases. Under the current system, a coordinated response, which is intended to minimize potential trauma to child victims, has been developed only for the investigative phase. The systemic response beyond this point, however, is far less clearly delineated. It is suggested that the post-investigation period is a time of great vulnerability for intrafamilial child sexual abuse victims and their families and that ongoing support and assistance is vital during this time. Drawing from the findings of this study and from literature pertinent to the issue under examination, several recommendations can be made as to what factors must be considered in delivering an adequate systemic response to child victims during the post-investigation period.

1) A primary support person should be assigned to each child in cases of intrafamilial sexual abuse. This person would work with the child from the initial investigation through to the conclusion of the case, and would offer the child stability and consistency during a potentially difficult experience. A support person such as this would be in a position to monitor the home environment so that any additional stressors arising from this source may be detected and

dealt with as soon as possible.

2) Specialized training in the dynamics of child sexual assault, principles of child development and interviewing and rapport-building techniques should be mandatory for all professionals working with sexually abused children. Judges and Crown Prosecutors are thought to be particularly lacking in knowledge of these areas.

3) Child victims should be routinely assessed by mental health professionals with regard to their abilities to testify and to cope with the courtroom experience. This may help to single out particularly vulnerable children who require special preparation or trial procedure modifications (e.g., give their testimony via closed-circuit television). Jaffe, et al. (1987) have developed a two-part assessment procedure for use in these circumstances.

4) Children should be given as much pertinent information about the judicial system as they are capable of comprehending. As was discovered in the present study, child victims often feel they have no control over their involvement in the court process. They feel uninformed and ill-prepared for what awaits them on court day, and this contributes greatly to their sense of vulnerability and their anxiety about going to court. In addition, both the child and his or her family should be kept apprised of the progress of the case. They should also be informed of the child's right to apply to the Criminal

Injuries Compensation Board or to seek damages in a civil action.

5) Children should be adequately prepared for going to court. This preparation should minimally include a meeting with the Crown Prosecutor in advance of court day, a visit to an empty courtroom, and a description of typical courtroom personnel and procedure. Conducting mock trials for the child also helps to demystify the court experience, as such exercises provide the child with an opportunity to experience in vivo what it might feel like to be in court. Children should also be prepared in advance for whatever disposition may be handed down. Finally, it is essential that children be encouraged to express their fears about going to court. The findings of this study indicate that children are frightened by many aspects of what they anticipate the court experience will be. Some of these fears are based on misinformation and can be easily laid to rest. For example, Sam believed that he would be punished, "...tooken away from [his] home", if the defence lawyer was able to make him look like a liar. Other fears may be very realistic, and while it may not be possible to alter the fear-inducing circumstances, helping the child to externalize these fears, to examine them and try to gain some control over them, may provide the child with some relief.

6) Every effort should be made to maintain the same group of professionals on a case from initial investigation to resolution of the matter. In order to achieve this ideal, it has been recommended that

a team approach be utilized in dealing with child sexual abuse cases. Such specialized teams would have a police officer, a social worker, and a Crown Attorney at their core, but they may also include psychologists, medical doctors, probation officers, and other involved personnel. The continuity which such a system would provide would allow the child victim to experience a sense of familiarity and trust with these "helpers", which may afford the child some measure of comfort and reassurance. Past experience has shown that Crown Prosecutors are least likely to see a case through to completion. It is presently not uncommon for a case to be tried by a different Crown Prosecutor at each stage of the legal process.

7) Incest cases should be given top priority and be processed through the courts with a minimum of time delays. Expeditious action minimizes the time during which pressure may be put on abused children to withdraw or change their testimony. It also spares children and their families from having to relive the abusive experiences again and again over a protracted period of time, allowing them the opportunity to move beyond the abuse and engage in the healing process.

8) The child's needs and wishes should be taken into consideration when assigning professionals to work with them. For example, most of the children in this study had very definite preferences with respect to the gender of their Crown Prosecutor. Given that children may feel

more comfortable with a lawyer of a given sex, or may feel more confident of the abilities of one sex over the other, efforts should be made to satisfy these small needs.

9) Child victims should be assessed as to their attitudes about testifying in court. It has been noted in the literature that some children may want to "stand up" in court (Terr, 1986), that they may feel empowered by participating in the process (Berliner & Barbieri, 1984; Kempe & Kempe, 1984; Terr, 1986). Those children, with proper preparation and adequate support, should be encouraged to testify. In cases where the child does not want to testify in court, or where it is determined through assessment that the experience may be traumatizing to the child, alternative measures should be invoked. Options such as being allowed to give testimony by closed-circuit television (as outlined in Bill C-15) should be made available to children in these circumstances. Lesser measures may be sufficient in some cases. For example, the child may only be fearful of testifying in front of strangers. In a case such as this the courtroom could be closed to spectators by judge's decree. One child in this study was distressed by the thought that her name and the details of the case would be publicized. Concerns such as these should be determined well in advance of court day, and steps should be taken to resolve as many of these issues as possible. The individual needs of child witnesses must be recognized and accommodated in order to both

maximize their effectiveness and minimize the risk that they will suffer adverse affects as a result of their involvement with the legal system.

Directions for Future Research

There is much room left for research in the area of children's involvement in the legal system. The majority of the investigations undertaken to date have focussed on the question of children's competence as witnesses. The issue of the effects of legal procedures on children has just recently begun to receive some attention, and knowledge pertaining to this topic is extremely limited. Basic research is lacking with respect to children's understanding of the legal process. For example, we do not know how children understand the nature of the adversary process or the role of an attorney. Such research endeavors would yield information necessary to the development of more effective court preparation procedures.

Further efforts must be made to identify the individual and situational factors determinative of, or at least correlated with, a child's involvement with the legal system. Studies of the factors accounting for or contributing to the reactions of child victims to the legal process might provide information which would allow us to identify cases requiring special attention in terms of procedural aberration and preventive intervention.

Finally, it would be useful to debrief children at several points in the legal process to obtain a subjective appraisal of their experience. Data gathered in this way would help to determine the changing needs of these children as they progress through the legal system and provide feedback as to the effectiveness of the assistance being provided by professionals and caregivers.

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